Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

Alex Nooredin Latifi, Beth Latifi, and Axion Corporation,

Petitioners

v.

United States of America,

Respondent

On Petition for Writ of Certiorari
To The United States Court of Appeals
for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Did the Eleventh Circuit err in reversing the decision of the district court and determining, as a matter of first impression, that the fee-shifting provision of the Civil Asset Forfeiture Reform Act is limited to fees incurred directly in civil litigation?

2. Did the Eleventh Circuit err in reversing, in conflict with decisions of this Court and in conflict with its own prior decisions, the district court's discretionary determination of the amount of Claimants' recoverable attorneys' fees?

PARTIES

1. Axion Corporation, claimant/appellee/ petitioner.*

2. Alex Latifi, individual, claimant/appellee/ petitioner.

3. Beth Latifi, individual, claimant/appellee/ petitioner.

4. The United States of America.

* Disclosure pursuant to Rule 29.6: Axion Corporation has no parent corporation. No publicly traded corporation holds any Axion Corporation stock.

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No. _____

In The

SUPREME COURT OF THE UNITED STATES

Certain Real Property, *et al.*,

Petitioners,

v.

United States of America,

Respondent.

PETITION FOR WRIT OF CERTIORARI

DECISION BELOW

The decision of the court of appeals was rendered on August 19, 2009. The opinion was issued on letter-sized paper has been reformatted to comply with Rule 33.1 and is included verbatim and in its entirety in the Appendix. 579 F.3d 1315 (11th Cir.)

JURISDICTION

The United States Court of Appeals for the Eleventh Circuit entered its judgment in this case on August 19, 2009. En banc review was denied on November 12, 2009. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS, STATUTES AND REGULATIONS

The fee-shifting provision of the Civil Asset Forfeiture Reform Act, 28 U.S.C. § 2465(b)(1),* provides as follows:

in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for
(A) reasonable attorney fees and other litigation costs reasonably incurred by claimant;

*The full text of Section 2465 is included in Appendix C.

STATEMENT OF THE CASE

On June 7, 2006, the Government filed a civil complaint *in rem* for forfeiture of property, including real estate owned by Alex Nooredin Latifi (Alex Latifi) and Beth Latifi (collectively, the Latifis) and the operating bank accounts of their defense contracting company, Axion Corporation (Axion). The United States District Court for the Northern District of Alabama exercised jurisdiction pursuant to 28 U.S.C. § 1331.

The Latifis and Axion filed claims to the defendant real estate; Axion Corporation filed a claim to the defendant bank accounts; and Axion and the Latifis later filed Answers the Government's Complaint.

Thereafter, the Government sought and

obtained a stay of the civil forfeiture action pursuant to 18 U.S.C. § 981(g)(1) and vigorously fought Axion and the Latifi's efforts to advance the case for more than eight months. As a practical matter, the protracted stay of the civil forfeiture action ruined Axion's business.

More than nine months after filing its civil forfeiture complaint, the Government obtained an indictment against Alex Latifi and Axion, which was dismissed in its entirety through a judgment of acquittal by the trial court upon a finding that the evidence was insufficient to sustain a conviction. Following the dismissal of the criminal indictment against Alex Latifi and Axion, the Government filed a motion to dismiss the civil forfeiture action (which remained stayed) with prejudice and requested a certificate of reasonable cause for instigating the action. Alex Latifi, Beth Latifi, and Axion objected to the issuance of a certificate of reasonable cause and petitioned for their attorneys' fees, on grounds that a dismissal with prejudice entitled them to an award of attorneys' fees under CAFRA.

Shortly thereafter, the Government filed a motion to withdraw its motion to dismiss with prejudice and through multiple motions ultimately sought a dismissal without prejudice. The Latifis and Axion objected and continued to seek a dismissal with prejudice, oppose the issuance of a certificate of reasonable cause, and request that the stay of the civil case be lifted.

Finally, the Government withdrew its request for a certificate of reasonable cause and the district court on April 2, 2008 entered an order dismissing the case with prejudice, holding that the Latifis and Axion were entitled to attorneys' fees under CAFRA

and ordering the Latifis and Axion to present evidence regarding the amount of fees that they had reasonably incurred in defending the civil forfeiture action. The Government did not file a timely notice of appeal of the court's order granting Axion and the Latifis their attorneys' fees under CAFRA.

The Latifis and Axion presented uncontroverted evidence that they incurred attorneys' fees in the cumulative amount of $414,198.50 in defending the civil forfeiture action. Additionally, the Latifis and Axion presented uncontroverted expert testimony through the affidavits of experienced counsel (a former United States Attorney and the then President-elect of the Alabama State Bar) that part of the fees reasonably incurred in defending the civil forfeiture included time spent in the criminal courtroom defending the criminal allegations because "....it would be impossible to defend this civil forfeiture action without defending and obtaining an acquittal in the underlying criminal action." The expert testimony as to the reasonableness of such fees was not disputed by the Government.

After considering the evidence submitted by the Latifis and Axion and the briefing of the parties, the district court calculated the attorneys' fee to be $363,956.92. Of the total $363,956.92, the district court attributed $292,929.50 to 1327.7 hours of work on the criminal case as being also reasonably incurred in defending the Latifi's and Axion's rights in the civil forfeiture action.

On July 25, 2008 – 57 days after the May 29, 2008 Order and 115 days after the April 2, 2008 Order – the Government filed a notice of appeal. Although the July 25, 2008 notice purported to

include the April 2, 2009 order awarding Petitioners their fees under CAFRA, any such notice was untimely and without effect. See F.R.A.P. 4(a)(1)(B) (allowing the United States 60 days to file a notice of appeal). Accordingly, the Government appealed only the District Court's May 29, 2008 calculation of the amount of Petitioners' reasonable fee.

In an opinion published on August 19, 2009, the majority of a panel of the United States Court of Appeals for the Eleventh Circuit applying a *de novo* standard of review reversed the district court's judgment and remanded this case for recalculation of the fees and interest. Chief Judge Dubina and Circuit Judge Edmonson joined in the majority opinion while Circuit Judge Hill dissented.

REASONS FOR GRANTING THE WRIT

I. The Eleventh Circuit erred in reversing the district court's attorneys' fee award under CAFRA and ignored the language of the statute in holding, as no federal court has held before, that CAFRA's fee-shifting provision allows recovery only of fees directly incurred in civil litigation.

Considering as a matter of first impression the scope of CAFRA's fee provision, the circuit court panel erroneously determined that the provision encompasses only those fees directly incurred in civil litigation. In so holding, the circuit court ignored and rendered meaningless the inherent "reasonably incurred" standard provided by Congress. The circuit court's holding eviscerates CAFRA's liberal fee-shifting provision and frustrates the stated intent of Congress.

CAFRA was enacted in 2000 with the express intent of "giv[ing] owners innocent of any wrongdoing the means to recover their property and make themselves whole after wrongful government seizures." P.L. 106-185, H.R. Rep. No. 106-192, at 11 (1999). Congress delineated the contours of this waiver of sovereign immunity: the statute provides that a prevailing claimant is entitled to "reasonable attorney fees . . . reasonably incurred by claimant." 28 U.S.C. § 2465(b)(1).

The district court held that Petitioners prevailed and were entitled to fees. The district court then applied the statutory standard and determined that the fees "reasonably incurred" by Petitioners in prevailing in their civil forfeiture case included fees associated with their criminal defense. The district court further found that to hold otherwise would allow the Government to simply avoid the application of CAFRA.

The circuit court erred in reversing and holding that CAFRA's fee provision allows for recovery only of fees directly incurred in civil litigation. The circuit court's ruling ignores the standard provided by Congress: claimants are entitled to fees "reasonably incurred." Had Congress wished to expressly limit recovery to a certain type of fee, it could have done so. It did not. Instead, it supplied a discretionary standard that the district court faithfully applied.

In evaluating what fees were "reasonably incurred" by Petitioners, the district court looked to the jurisprudence of this Court in *Webb v. County Bd. of Educ. of Dyer County, Tenn.*, 471 U.S. 234, 244 (1985) and determined that work associated with the criminal defense was "useful" and "of a type

necessary ordinarily necessary" to competently represent Petitioner in the civil forfeiture case. As Circuit Judge Hill perceived and stated in his dissent:

> Counsel representing [Petitioners] in this civil action would have been inadequate to the point of malpractice to ignore the new criminal case.
> Were counsel to monitor another case on trial in court in another jurisdiction, noting the quality of evidence and the impact of witnesses, that would be "useful." It would be work "of a type ordinarily necessary to competent representation.

The circuit court's ruling ignores the guidance of this Court in *Webb* and invades the discretionary function of the district courts. It effects an impermissible amendment of the statute.

As the first holding of a federal court on this issue, the circuit court's decision must be reviewed. Otherwise, the Government may thwart Congress' purpose by evading the fee-shifting provisions of CAFRA under cover of judicial authority. Unless and until this Court speaks to this issue, the legitimacy of law enforcement methods in parallel civil forfeiture and criminal actions – and the right of the people to be made whole after wrongful forfeiture of their property – will be in doubt.

II. The Eleventh Circuit erred in applying, in conflict with decisions of this Court and in conflict of its own prior decisions,

a *de novo* standard of review to the district court's discretionary determination of Petitioner's reasonable fee.

The circuit court created conflicting, dangerous precedent when it applied the wrong standard of review to the district court's determination of the amount fees to which Petitioners were entitled.

The district court adjudged Petitioners entitled to a fee award under CAFRA on April 2, 2008. The Government failed to file a timely notice of appeal. Accordingly, the question of whether Petitioners were entitled to fees was not under review. The only decision properly on appeal to the circuit court was the district court's calculation of the *amount* of Petitioners reasonable fee, "reasonably incurred" under the statute.

The precedent of this Court establishes that a district court has wide discretion to determine the amount of a fee award and that such a determination must be accorded great deference. *See Webb v. County Bd. of Educ. of Dyer County, Tenn.*, 471 U.S. 234, 244 (1985) ("We reemphasize that the district court has discretion in determining the amount of a fee award. When such an award is appealed, the reviewing court must evaluate it with appropriate deference.").

The circuit court flaunted this precedent when it applied a *de novo* review to the district court's calculation of Petitioner's fee. The circuit court's decision usurps the discretion of the district courts.

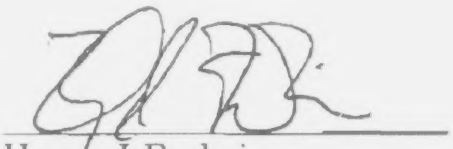
CONCLUSION

For the foregoing reasons, this Court should

grant the petition for writ of certiorari.

In view of the Eleventh Circuit's clear departure from the decisions of this Court and in order to correct erroneous precedent, this court should consider disposing of this petition by summary reversal of the judgment below.

Respectfully submitted this 5th day of February, 2010.



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APPENDIX

Rule 14.1(i) judgment sought to be reviewed:

A. **Decision of the Eleventh Circuit Court**, *U. S. v. Certain Real Property,* Cause No. 08-14334, issued August 19, 2009.

B. **Order of the Eleventh Court**, U. S. v. Certain Real Property, Cause No. 08-14334, issued November 12, 2009.

Rule 14.1(vi) Material Petitioner believes essential to under this petition:

C. 28 U.S.C.A. § 2465

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 08-14334

FILED
U.S. COURT OF
APPEALS

D. C. Docket No. 06-01102-CV-IPJ

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

CERTAIN REAL PROPERTY,
Located at 317 Nick Fitchard Road, N.W., Huntsville, AL, together with all improvements, fixtures, and appurtenances thereon, ALL FUNDS ON DEPOSIT IN ACCOUNT NUMBER 8011402644 Held in the name of Axion Corporation, located at Colonial Bank, P.O. Box 1887,Birmingham, AL 35201, ALL FUNDS ON DEPOSIT IN ACCOUNT NUMBER 8036513417 Held in the name of Axion Corporation, located at Colonial Bank, P.O. Box 1887,Birmingham, AL 35201,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

(August 19, 2009)

Before DUBINA, Chief Judge, EDMONDSON and HILL, Circuit Judges.

DUBINA, Chief Judge:

The government appeals from a final order of the district court awarding attorney fees in a civil forfeiture action. This case requires that we determine, as a matter of first impression, whether attorney fees incurred in the defense of a criminal action may be awarded in a related civil forfeiture action under the Civil Asset Forfeiture Reform Act of 2000 ("CAFRA") § 4(a), 28 U.S.C. § 2465(b)(1) (2006), without regard for the stringent limitations on attorney-fee awards in criminal cases under the Hyde Amendment, Act of Nov. 26, 1997, Pub. L. No. 105-119, tit. VI, § 617, 111 Stat. 2440, 2519 (1997), *reprinted in* 18 U.S.C. § 3006A (2006), historical and statutory notes [hereinafter Hyde Amendment].

I. BACKGROUND

In August 2003, Axion Corporation ("Axion") secured a $3.7 million contract with the United States Army to supply parts for a Black Hawk helicopter. In June 2006, the government filed a civil *in rem* forfeiture complaint in the United States

District Court for the Northern District of Alabama pursuant to 18 U.S.C. § 981(a)(1)(A) (2006) against two of Axion's bank accounts and the parcel of real property where the company is located on the basis that Axion had violated the terms of the contract, as well as several federal laws. There are three claimants to the defendant properties: Axion; its president, Alex Nooredin Latifi ("Latifi"); and Latifi's wife, Beth Latifi (collectively, "the claimants"). The government filed a motion before Judge Virginia Emerson Hopkins to stay the civil forfeiture proceeding pursuant to CAFRA § 8(a), 18 U.S.C. § 981(g)(1), which directs the district court to "stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case."[1] Judge Hopkins granted the motion to stay the civil forfeiture action.

In March 2007, the government filed an indictment against Axion and Latifi in the United States District Court for the Northern District of Alabama. The criminal case was assigned to Judge Inge Prytz Johnson. A superseding indictment

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[1] "[T]he terms 'related criminal case' and 'related criminal investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is 'related' to a civil forfeiture proceeding, the court . . . consider[s] the degree of similarity between the parties, witnesses, facts, and circumstances involved in the two proceedings, without requiring an identity with respect to any one or more factors." 18 U.S.C. § 981(g)(4).

charged Latifi and Axion with two counts of exporting without the required license defense articles or defense services designated by the President for inclusion in the United States Munitions List, in violation of the Arms Export Control Act, 22 U.S.C. § 2778(b)(2), (c) (Counts 1 and 6); making a false representation concerning an aircraft part, in violation of 18 U.S.C. § 38(a)(1)(C) (Count 2); and making false statements, in violation of 18 U.S.C. § 1001 (Count 3). The indictment also included two criminal forfeiture counts (Counts 4 and 5)[2] Judge Johnson held a seven-day bench trial that resulted in an acquittal on all counts.

After the criminal charges against Latifi and Axion were dismissed, the civil case was transferred to Judge Johnson. The government filed a motion to dismiss the civil forfeiture case with prejudice, which also contained a request for a certificate of reasonable cause under 28 U.S.C. § 2465(a) (2006). In their response, the claimants agreed that the case should be dismissed with prejudice and asserted that such a dismissal entitled them to attorney fees under CAFRA. The claimants also objected to the

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[2] The indictment specifically alleged that Latifi and Axion, who had been awarded a contract by the U.S. Army to produce bifilar weight assemblies for Black Hawk helicopters, knowingly and willfully exported to China technical drawings of the bifilar weight assembly for the UH 60 Black Hawk without first obtaining a license and authorization from the State Department's Directorate of Trade Controls. In addition, Latifi and Axion allegedly fraudulently misrepresented to the U.S. Army the source of a part used in the production of the bifilar weight assembly and made false statements in test reports submitted to the U.S. Army regarding a separate product that was the subject of a separate contract.

government's request for a certificate of reasonable cause. The government then filed a motion for leave to withdraw its motion to dismiss with prejudice. Judge Johnson granted the motion to withdraw and set a hearing on the motion for a certificate of reasonable cause. The government filed a motion to dismiss without prejudice, stating that it no longer intended to pursue the civil forfeiture case. The claimants again asserted that the case should be dismissed with prejudice. The government then filed a notice with the court stating that the government was withdrawing its request for a certificate of reasonable cause. On April 2, 2008, the district court dismissed the case with prejudice and concluded that the claimants were "entitled to recover reasonable attorneys' fees and costs along with interest pursuant to the provisions of CAFRA." (Or., R. 72 at 8.)

On May 29, 2008, the district court opined that, pursuant to CAFRA, the claimants are entitled to recover both fees incurred in defending the civil forfeiture action and fees incurred in defending the criminal case and ordered the payment of such fees and interest. *United States v. Certain Real Prop.*, 566 F. Supp. 2d 1252, 1261–62 (N.D. Ala. 2008). Citing *Webb v. Board of Education of Dyer County, Tennessee*, 471 U.S. 234, 105 S. Ct. 1923 (1985), the district court found that the attorney fees incurred in the criminal case, a "related proceeding," are recoverable in the civil forfeiture action because the work was "'useful and of a type ordinarily necessary to secure the final result obtained from the litigation.'" *Id.* at 1261 (quoting *Webb*, 471 U.S. at 243, 105 S. Ct. at 1928). The court first found that the criminal case work was useful, saying:

> [T]he work done by the claimants' attorneys in the criminal case was clearly useful as it directly resulted in the dismissal of the civil forfeiture case. In fact, the claimants were required to litigate the civil forfeiture case through the criminal case because of the stay imposed on the civil forfeiture case. If Latifi and Axion had been convicted in the criminal case, then the property would have been immediately subject to forfeiture. If the defendants were acquitted, as they were, then that result would not have had res judicata effect on this civil forfeiture case. . . . [T]he government had no intention of pursuing the civil forfeiture case after Latifi and Axion were acquitted. Thus, the acquittal in the criminal case directly led to the dismissal of the civil forfeiture case. Indeed, the only way for the claimants to obtain a dismissal of the civil forfeiture case was by obtaining an acquittal in the criminal case.

Id. (citations omitted). The court then concluded that "[t]he work was . . . of a type ordinarily necessary to secure the final result obtained from the litigation since the civil proceeding was stayed pursuant to CAFRA and . . . the only way for the claimants to succeed was to gain an acquittal in the criminal trial." *Id.* The court acknowledged that "[a]warding the claimants fees for work done in the criminal case clearly allows the claimants to avoid the stricter requirements for recovering

attorneys' fees under the Hyde Amendment," *id.*, which requires claimants recovering such fees in a criminal case to prove "that the position of the United States was vexatious, frivolous, or in bad faith." Hyde Amendment. The district court added that "if [it] were to find that fees incurred defending the criminal case were not recoverable under CAFRA, then the government would be allowed to avoid CAFRA, as it has tried to do in this case, by moving for a stay in the civil case and prosecuting the criminal case." 566 F. Supp. 2d at 1261. The district court's total attorney-fee award before deductions[3] was $414,198.50; the district court attributed $292,929.50 of this award to 1327.7 hours of work on the criminal case.[4] Id. at 1262. The ultimate award minus deductions was $363,956.92.[5]

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[3] The district court concluded that certain deductions were warranted for things such as secretarial work and unbilled hours. These deductions are not a subject of this appeal.

[4] The government suggests in its briefing that the district court should have attributed certain fees to the defense of the criminal action, and not to the defense of the civil action, but does not appeal the district court's findings of fact. *See* Br. of Appellant 12 n.3; Reply Br. of Appellant 2 ("We do not here challenge the district court's calculation of the number of hours reasonably expended by the defense in the civil forfeiture proceeding or in the criminal prosecution . . "). Because we are not called upon to review the district court's findings of fact, we do not opine on them here. Recalculation of the fees due to claimants upon remand is left to the discretion of the district court.

[5] The district court's initial award was for $363,259.92. 566 F. Supp. 2d at 1334. This amount was increased by the district court on June 5, 2008, to $363,956.92, based on additional evidence filed by the claimants. (Or., R. 78 at 1–2.)

The government then perfected this appeal.

On appeal, the government urges, *inter alia*, that CAFRA's plain language limits the award of attorney fees under §4(a), 28 U.S.C. § 2465(b)(1) to those fees incurred for work done explicitly for the civil forfeiture proceeding.[6] The claimants counter, in accord with the district court, that the Supreme Court has decided in other contexts that similarly-worded fee-shifting statutes encompass the award of fees incurred outside of the statutorily-named litigation and that this precedent allows them to recover under CAFRA fees incurred in the defense of a related criminal case.

II. STANDARD OF REVIEW

"'The proper standard for an award of attorney's fees is a question of law that we review *de novo*.'" *Morillo-Cedron v. Dist. Dir. for the U.S. Citizenship & Immigration Servs.*, 452 F.3d 1254, 1256 (11th Cir. 2006) (quoting *Smalbein v. City of Daytona Beach*, 353 F.3d 901, 904 (11th Cir. 2003)).

III. DISCUSSION

After thorough review of the record, we conclude that the contours of Congress's waiver of

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[6] The government also argues that even if such fees can be awarded under CAFRA, the requirements for an attorney-fee award under the Hyde Amendment must be satisfied so as not to provide a means around the strictures of the Hyde Amendment. Because we conclude that the fees incurred in defense of the criminal action cannot be recovered under CAFRA, we do not address this contention.

the United States government's sovereign immunity in the CAFRA fee-shifting provision can be determined by looking to the plain language and structure of CAFRA. We hold that attorney fees incurred in the defense of a criminal action, even if related to a civil forfeiture action as in the present case, cannot be awarded under CAFRA. This holding is supported by CAFRA's legislative history, and we find the Supreme Court cases cited by the district court inapplicable in this context.

A.

To determine whether attorney fees for work done in a criminal prosecution may be awarded in a related civil forfeiture action under CAFRA § 4(a), 28 U.S.C. § 2465(b)(1), we turn first to the text of the statute to discern congressional intent. CAFRA's fee-shifting provision provides in pertinent part:

> [I]n any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for –
>
> (A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant; [and]
>
> (B) post-judgment interest, as set forth in Section 1961 of this title.

CAFRA § 4(a), 28 U.S.C. § 2465(b)(1).

Our interpretation of the CAFRA fee-shifting provision is guided by principles of sovereign immunity, which bar the award of attorney fees against the United States absent explicit

congressional authorization. *See Ruckelshaus v. Sierra Club*, 463 U.S. 680, 685 & n.7, 103 S. Ct. 3274, 3277–78 & n.7 (1983); *see also Ardestani v. United States Dep't of Justice*, 904 F.2d 1505, 1509 (11th Cir. 1990) ("A court may not grant attorneys' fees and costs against the United States in the absence of a congressional or constitutional waiver of sovereign immunity which grants it the authority to do so." (internal quotation marks omitted)). A waiver of the United States government's sovereign immunity must be "unequivocal," *Dep't of Energy v. Ohio*, 503 U.S. 607, 615, 112 S. Ct. 1627, 1633 (1992), *superseded by statute*, Federal Facility Compliance Act of 1992, Pub. L. No. 102-386, § 102, 106 Stat. 1505, and the provision "must be construed strictly in favor of the sovereign . . . and not enlarged beyond what the language requires," *Ruckelshaus*, 463 U.S. at 685–86, 103 S. Ct. at 3278 (internal quotation marks and citations omitted); *see also Ardestani*, 904 F.2d at 1509 (stating that a statute that "waives sovereign immunity in allowing attorney fees against the United States . . . must be construed strictly").

On its face, the language of CAFRA's fee-shifting provision appears to contemplate only the award of attorney fees incurred in the civil forfeiture action. *See* CAFRA § 4(a), 28 U.S.C. § 2465(b)(1) ("[I]n any civil proceeding to forfeit property . . . ."). Without an express waiver of the government's sovereign immunity, we cannot find that such a waiver exists. To justify its award of the fees incurred in defending Axion and Latifi's criminal case, the district court characterized the civil forfeiture action as having been litigated "through the criminal case because of the stay imposed on the civil forfeiture case." 566 F. Supp. 2d at 1261. The

district court's characterization states precisely why we cannot find that the attorney fees incurred in defending the criminal case are recoverable in the civil forfeiture action under the auspices of CAFRA: the fees were incurred in the defense of a criminal action, not a civil forfeiture action or proceeding in support of a civil forfeiture action.

Our reading of the fee-shifting provision is supported by CAFRA's structure. When Congress fashioned CAFRA's fee-shifting provision in 2000, it simultaneously expanded the government's ability to seek a stay of the civil forfeiture proceeding in light of an ongoing criminal investigation or prosecution—precisely the mechanism used by the government in this case. *See* CAFRA § 8(a). Congress effectively gave the government the ability to choose which to pursue first—a civil forfeiture action, a related criminal investigation, or the prosecution of a related criminal case—as long as "the [district] court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case." *See* CAFRA § 8(a), 18 U.S.C. § 981(g)(1).

Congress provided property claimants the protections it thought appropriate while retaining the usefulness of civil forfeitures in law enforcement activities. *Cf. Ramirez v. United States*, 57 Fed. Cl. 240, 250–51 (Fed. Cl. 2003) (noting Congress's intent that CAFRA "leave the underlying forfeiture authority of federal agencies substantially unaffected"). First, the Act provides that in lieu of staying the civil forfeiture action, the district court can issue a protective order limiting discovery.

CAFRA § 8(a), 18 U.S.C. § 981(g)(3). Second, if the district court determines that a stay is necessary to protect the government's related criminal investigation or case, § 981(g)(6) directs the court to "enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect."[7] The express terms of CAFRA's fee-shifting provision do not go further and expressly allow the award of fees incurred in defense of a related criminal case in the civil forfeiture action if the claimants are acquitted of the criminal charges. We cannot waive the government's sovereign immunity and attempt to fashion such an additional protection where Congress has not chosen to do so. *See Wright v. Sec'y for Dep't of Corr.*, 278 F.3d 1245, 1255 (11th Cir. 2002) ("[C]ourts ought not add to what the legislature has said is the law. . . . Our function is to apply statutes, to carry out the expression of the legislative will that is embodied in them, not to 'improve' statutes by altering them."); *Harris v. Garner*, 216 F.3d 970, 976 (11th Cir. 2000)

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[7] We also note that the stay of a civil forfeiture action where there is a related criminal action often can serve to benefit criminal defendants who are claimants to the property that is the subject of the civil forfeiture action; the stay in the civil case prevents the government from using civil discovery as a means to obtain information to flesh out the criminal case against the claimants. *See Afro-Lecon, Inc. v. United States*, 820 F.2d 1198, 1203 (Fed. Cir. 1987) ("The broad scope of civil discovery may present to both the prosecution, and at times the criminal defendant, an irresistible temptation to use that discovery to one's advantage in the criminal case."); *see also United States v. A Certain Parcel of Land*, 781 F. Supp. 830, 834–35 (D. N.H. 1992) (granting a stay of discovery in a civil forfeiture action to protect a criminal defendant's Fifth Amendment rights)

(en banc) ("We will not do to the statutory language what Congress did not do with it, because the role of the judicial branch is to apply statutory language, not to rewrite it."); *see also Ewing & Thomas, P.A. v Heye*, 803 F.2d 613, 616 (11th Cir. 1986), *superseded by statute*, Act of July 30, 1996, Pub. L. No. 104-168, Title VII, secs. 701(a)–(c), 702(a), 703(a), 704(a), 110 Stat. 1463, 1464 ("An amendment to a statute is clearly a legislative, not a judicial function. We cannot now do what Congress may have wanted to accomplish but has left undone.").

The language of the seizure and stay provisions in § 981 also demonstrates that Congress was fully cognizant that work done in defense of a criminal case may be used to defend against a civil forfeiture. For example, in order to determine "whether a criminal case or investigation is 'related' to a civil forfeiture proceeding" so as to warrant a stay, Congress instructed the district court to "consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the two proceedings." *See* 18 U.S.C. § 981(g)(4). In addition, one justification for granting a claimant's request for a stay of the civil forfeiture action is that discovery in the civil case may uncover information useful in the criminal prosecution. *See* 18 U.S.C. § 981(g)(1)–(3). Despite Congress's acknowledgment of the interconnectedness of civil forfeiture and criminal proceedings, Congress's waiver of sovereign immunity in the CAFRA fee-shifting provision does not expressly state that claimants in civil forfeiture proceedings can obtain in the civil proceeding those fees they incur as criminal defendants in a related criminal case.

The claimants urge that "CAFRA would be rendered meaningless if the government could always evade liability by litigating in the criminal forum." (Br. of Appellee 30.) Likewise, the district court said that if it "were to find that fees incurred defending the criminal case were not recoverable under CAFRA, then the government would be allowed to avoid CAFRA." 566 F. Supp. 2d at 1261. These arguments ignore two important points. First, claimants in civil forfeiture actions do not always face criminal charges; Beth Latifi is a prime example. Second, by designing the civil forfeiture action stay provision as it did, Congress expressly authorized the "strategy," *see* Br. of Appellee 31, used by the government in this case.

Viewing the statutory scheme in its entirety, we cannot conclude that in addition to the protections expressly laid out in statute, Congress implicitly provided that the fees incurred in defense of a related criminal case can be recouped in the civil case. As we have repeatedly said, it is not the courts' place to fashion additional protections, and, in this instance, the sovereign immunity of the United States precludes us from doing so.

Our holding also is consistent with the concerns expressed by Congress in CAFRA's legislative history. As explained by the district court, "the stated purpose of CAFRA is 'to make federal civil forfeiture procedures fair to property owners and to give owners innocent of any wrongdoing the means to recover their property and make themselves whole after wrongful government seizures.'" 566 F. Supp. 2d at 1260 (quoting H.R. Rep. No. 106-192, at 11 (1999)). The U.S. House of

Representatives Committee on the Judiciary expressed concern that "many civil seizures are not challenged" due to the costs involved in challenging them. H.R. Rep. No. 106-192, at 14 (1999). Similarly, the Committee expressed concern "with the arduous path one must journey [in a civil forfeiture action] against a presumption of guilt, often without the benefit of counsel, and perhaps without any money left after the seizure with which to fight the battle." *Id.* (internal quotation marks and citations omitted). We have not found anything in the legislative history, however, that indicates Congress was troubled by the fact that civil forfeiture action claimants who are criminal defendants in related cases bear the costs of their criminal defenses under the traditional American Rule.[8] As we note below, where Congress had such concerns, it addressed them with the Hyde Amendment. In describing the ills of the former civil forfeiture action system, the House of Representatives Committee on the Judiciary's report on CAFRA, then H.R. 1658, described two instances where property owners incurred great expense in trying to regain their properties after civil forfeitures. *See* H.R. Rep. No.

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[8] "Under the American Rule, United States courts follow a general practice of not awarding fees to a prevailing party in a suit." *Smalbein v. City of Daytona Beach*, 353 F.3d 901, 904 (11th Cir. 2003) (internal quotation marks omitted); *accord United States v. Aetna Ins. Co* , 831 F.2d 978, 983 (11th Cir. 1987) (stating that under the American Rule "[p]arties must pay their own ways as far as legal costs"). "[T]he default assumption is that each party is responsible for its own legal fees, and thus fees ordinarily will not be awarded to the prevailing party without express statutory authority." *Johnson v. Florida*, 348 F 3d 1334, 1350 (11th Cir. 2003)

106-192, at 8, 10. In both of the examples provided, the claimants were not prosecuted for crimes associated with the civil forfeiture. *See id.* at 8–9 (describing a case where criminal charges "were quickly dropped for lack of evidence, [but] the government refused to release [the property]" and the claimant ultimately was forced to declare bankruptcy as a result of the seizure); *id.* at 10–11 (describing a case in which no criminal charges were filed, but a motel was seized for "tacit approval of illegality" and the owners "were forced to spend substantial amounts of time and money on hiring an attorney and defending against the government's forfeiture action" (internal quotation marks omitted)). The descriptions of these cases imply that had these claimants been the subject of legitimate ongoing criminal investigations and prosecutions, Congress would not have had similar concerns.

The CAFRA fee-shifting provision was designed to make claimants whole for their efforts to recover their property in a civil forfeiture action. The purpose of defending a criminal prosecution is not to recover property, but to defend the accused's freedom. Where the criminal prosecution is "brought vexatiously, in bad faith, or so utterly without foundation in law or fact as to be frivolous," the Hyde Amendment provides the means of recovery. *United States v. Gilbert*, 198 F.3d 1293, 1299 (11th Cir. 1999). Otherwise, unless the defendant is indigent, he bears the cost of his own defense. We find nothing in the legislative history of CAFRA to counter this interpretation.

B.

The district court based its award of attorney

fees for Axion and Latifi's criminal case work[9] on two Supreme Court cases where the Court determined that similarly-worded fee-shifting statutes allowed for the award of attorney fees incurred outside of the actual litigation: *Webb v. County Board of Education of Dyer County, Tennessee*, 471 U.S. 234, 105 S. Ct. 1923 (1985), and *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air* (*Delaware Valley I*), 478 U.S. 546, 106 S. Ct. 3088 (1986). 566 F. Supp. 2d at 1260--62. We find these cases distinguishable.

The district court drew primarily upon *Webb*, where the Supreme Court concluded that attorney fees for work done in optional state administrative proceedings may be awarded to a prevailing civil rights litigant under 42 U.S.C. §1988 to the extent that a "discrete portion" of the work was "useful and of a type ordinarily necessary" to the successful outcome of the subsequent litigation. *Webb*, 471 U.S. at 241, 243, 105 S. Ct. at 1928--29. At the time of the *Webb* decision, the § 1988 fee-shifting provision read in pertinent part:

> In any action or proceeding to enforce a provision of §§ 1981, 1982, 1983, 1985 and 1986 of this title, title IX of Public Law 92-318, or title VI of the Civil Rights Act of 1964, the

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[9] In its categorization of attorney fees as either having been incurred in relation to Axion and Latifi's criminal defense or the civil forfeiture action, the district court assigned to the criminal case fees incurred in defending U.S. Army administrative proceedings concerning suspension or debarment of Axion as a defense contractor ($1,522) and in preparation for potential False-Claims-Act proceedings ($51), concluding that the government may have introduced those issues as other-act evidence. We do not disturb that finding.

> court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

See id. at 236 n.1, 105 S. Ct. at 1925 n.1. After successful settlement of a civil rights action under 42 U.S.C. § 1983 against a school board, a tenured black elementary school teacher filed in the district court a motion for an award of attorney fees under 42 U.S.C. § 1988. *Id.* at 237–38, 105 S. Ct. at 1925–26. The school board had dismissed him and upheld the dismissal in a series of administrative proceedings. *Id.* at 237, 105 S. Ct. at 1925. The district court denied those fees incurred by the teacher in defense of the school administrative proceedings, but awarded fees for work done on the federal court litigation. *Id.* at 239, 105 S. Ct. at 1926. The Sixth Circuit affirmed the district court's ruling. *Id.* The Supreme Court also affirmed, stating that the plaintiff had not established that "any discrete portion of the work product from the administrative proceedings was work that was both useful and of a type ordinarily necessary to advance the civil rights litigation to the stage it reached before settlement." *Id.* at 243, 105 S. Ct. 1928–29. Although the Court affirmed the denial of the fees incurred in defense of the administrative proceedings *in toto*, it indicated that attorney fees for time spent pursuing optional administrative proceedings may be included in the calculation of a reasonable attorney fee awarded under § 1988 if the work is specifically identified and is "useful and of a type ordinarily necessary" to secure the final result obtained from the litigation[10].

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[10] The Court indicated that it could address only the question presented to the district court: "whether the time spent on the

Id.

The district court also cited *Delaware Valley I*, where the Court applied *Webb* and held that work done to monitor and enforce implementation of a consent decree entered into by the Commonwealth of Pennsylvania (including participation in regulatory proceedings and review of proposed regulations) constituted compensable attorney fees under the Clean Air Act, 42 U.S.C. § 7401. *Delaware Valley I*, 478 U.S. at 561, 106 S. Ct. at 3096. The Clean Air Act feeshifting provision read as follows:

> The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

See id. at 557, 106 S. Ct. at 3094. In *Delaware Valley I*, private citizens filed suit against the Commonwealth to compel implementation of a vehicle emission inspection and maintenance program required by the Clean Air Act. *Id.* at 549, 106 S. Ct. at 3090. To aid in enforcement of the resultant consent decree, attorneys for the citizens' council commented on the state transportation department's regulations and participated in Environmental Protection Agency hearings. *Id.* at 550, 552–53, 106 S. Ct. at 3090, 3092. The district court awarded fees for these activities under the

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administrative work. .should be included [in the attorney fees award] in its entirety or excluded in its entirety." *Id.*at 243, 105 S.Ct. At 1929.

Clean Air Act, 42 U.S.C. § 7401. *Id.* at 553, 106 S. Ct. at 3092. The Third Circuit affirmed. *Id.* at 556, 106 S. Ct. at 3093. The Supreme Court also affirmed, concluding that although the work did not "occur in the context of traditional judicial litigation," it was compensable because it was "useful" and "necessary" in that it helped to protect the relief awarded under the consent decree and thus was crucial to the vindication of the party's rights. *Id.* at 560–61, 106 S. Ct. at 3096.

As we stated earlier, *Webb* and *Delaware Valley I* are distinguishable from the present case. First, in both *Webb* and *Delaware Valley I*, the issue was the award of attorney fees for work done with regard to non-judicial activities under the authority of statutory fee-shifting provisions relevant to particular judicial actions or proceedings. For example, in *Webb*, the Court considered the applicability of the § 1988 fee-shifting statute designed for § 1983 civil rights cases to voluntarily-pursued school board administrative proceedings. *Webb*, 471 U.S. at 239, 105 S. Ct. at 1926. In *Delaware Valley I*, the Court affirmed the applicability of the Clean Water Act's fee-shifting statute to post-litigation activities before a regulatory body and in administrative hearings. *Delaware Valley I*, 478 U.S. at 561, 106 S. Ct. at 3096. In both instances the Supreme Court indicated that attorney fees may be awarded for these extra-judicial activities where they are sufficiently connected to a single court action that is subject to the relevant statutory fee-shifting provision. In contrast, the district court in this case awarded attorney fees incurred in defending a separate

judicial proceeding. Fees incurred for Axion and Latifi's criminal defense are not like the fees incurred in *Webb* and *Delaware Valley I* for extra-judicial activities in support of litigation that itself was subject to the relevant fee-shifting provision. *Cf. Greer v. Holt*, 718 F.2d 206, 208 (6th Cir. 1983) (explaining that the award of attorney fees for work in an administrative proceeding in support of a civil action subject to a fee-shifting statute is different from the award of fees incurred in defense of a criminal proceeding that—even though it is based on the same operative facts—is separate from a civil proceeding subject to a fee-shifting statute).

Second, awarding the attorney fees for optional administrative proceedings and post-litigation activities in *Webb* and *Delaware Valley I* was in furtherance of the purposes of the fee-shifting statutes at issue in those cases. The Court explained in *Delaware Valley I* that the fee-shifting provisions at issue in *Delaware Valley I* and *Webb* were enacted to ensure effective enforcement of certain important federal interests through citizen suits. *Delaware Valley I*, 478 U.S. at 559–60, 106 S. Ct. at 3095. "[T]he common purpose of both § 304(d) and § 1988 to promote citizen enforcement of important federal policies," *id.* at 560, 106 S. Ct. at 3096, required the award of attorney fees for these extra-litigation activities. For example, with regard to civil rights claims, the Court noted that "Congress found that many legitimate claims would not be redressed" "unless reasonable attorney's fees could be awarded." *Id.* at 560, 106 S. Ct. at 3095. There is no comparable concern here, where the criminal defendants Axion and Latifi were sufficiently motivated by the criminal charges to

avidly pursue their criminal defense. *Cf. Kahane v. UNUM Life Ins. Comp. of Am.*, 563 F.3d 1210, 1215 (11th Cir. 2009) (affirming denial of attorney fees for work done in ERISA pre-litigation administrative proceedings where injecting attorneys into those proceedings "could severely undermine the congressional purpose" (internal quotation marks omitted)). The present case is akin to *Greer v. Holt*, 718 F.2d 206 (6th Cir. 1983). In an action brought under 42 U.S.C. § 1983, Greer asserted that police officers assaulted and beat him while he was in their custody. *Greer*, 718 F.2d at 207. Prior to filing that federal claim, Greer was prosecuted in state court for assault and battery of the police officers arising from the same circumstances. *Id.* Greer was acquitted of the criminal charges, which was necessary for his success in his § 1983 action, and he thereafter prevailed in his civil rights suit. *Id.* The Sixth Circuit upheld the denial of attorney fees in the federal civil case under § 1988 for work done in the criminal prosecution because, "[s]trategically, the attorneys for Greer had little choice but to pursue a full defense to the criminal charges." *Id.* at 208.

C.

While our reading of CAFRA § 4(a), 28 U.S.C. § 2465(b)(1) alone is sufficient to warrant a reversal of the district court's award of attorney fees for work done in defense of a criminal prosecution, we add that the Hyde Amendment also supports our conclusion. The claimants urge that the Hyde Amendment has no place in our analysis of this case because the district court awarded the fees in question in a civil forfeiture action to which the Hyde Amendment does not apply. We disagree. The

district court awarded under CAFRA fees incurred in defense of a criminal action, which are subject to the Hyde Amendment. The Hyde Amendment provides in pertinent part:

> [T]he court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) . . . may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under [the Equal Access to Justice Act (EAJA), 28 U.S.C. §] 2412.

As the district court acknowledged, "any award in this case which includes fees incurred in the criminal case would allow the claimants to recover those fees without proving that the position of the United States was vexatious, frivolous, or in bad faith." 566 F. Supp. 2d at 1261 (internal quotation marks omitted). The district court's acknowledged circumvention of the Hyde Amendment was inappropriate.

IV. CONCLUSION

The district court ruled that, in a civil forfeiture action, CAFRA permits recovery of fees incurred in the defense of a related criminal proceeding where that work was "useful" and of the type "ordinarily necessary" to the successful outcome

of the subsequent civil forfeiture action. Because we reject the district court's conclusion for the reasons stated above, we vacate the May 29, 2008 order of the district court awarding the claimants attorney fees under CAFRA § 4(a), 28 U.S.C. § 2465(b)(1) and remand this case for recalculation of the fees and interest due consistent with this opinion.[11]

VACATED and REMANDED

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[11] We note that Axion and Latifi's motion for attorney fees and costs pursuant to the Hyde Amendment filed in the related criminal case on December 12, 2007, remains pending. The district court stayed all further proceedings in the criminal case until this court issued the instant decision. Upon remand of this case, the district court may want to consider Axion and Latifi's motion for attorney fees and costs in the related criminal proceeding.

HILL, Circuit Judge, dissenting:

We are reviewing one case – the civil case for forfeiture. Nine months after it was filed, the government brought criminal charges.

Asserting that civil discovery would adversely affect the government's position in the criminal case, the government moved for and was granted a stay of the civil case. Discovery was frozen.

The lawyers retained to represent clients in the civil forfeiture case found themselves faced with a criminal case that could be disastrous to their clients' interests. Would it be work "useful" to their clients and work "of a type ordinarily necessary" to competently represent them? Of course, it was not only useful. It was necessary. *See Webb v. Board of Educ. of Dyer County, Tenn.*, 471 U.S. 234, 243, 105 S.Ct. 1923, 1928 (1985).

Affidavits of experienced counsel stated under oath that ". . . it would be impossible to defend this civil forfeiture action without defending and obtaining an acquittal in the underlying criminal action." There is no dispute.

Counsel representing the appellees in this civil action would have been inadequate to the point of malpractice to have ignored the new criminal case.

Were counsel to monitor another case on trial in court in another jurisdiction, noting the quality of evidence and impact of witnesses, that would be "useful." It would be work "of a type ordinarily necessary" to competent representation.

Fees incurred in that useful and necessary work were properly awarded. It was there that the forfeiture action was defeated.

I would affirm.

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 08-14334-HH

UNITED STATES OF AMERICA,

Plaintiff-Appellant

versus

CERTAIN REAL PROPERTY, Located at 317 Nick Fitchard Road, N.W., Huntsville, AL, together with all improvements , fixtures, and appurtenances theron,ALL FUNDS ON DEPOSIT IN ACCOUNT NUMBER 8011402644 Held in the Name of Axion Corporation, located at Colonial Bank, P.O. Box 1887, Birmingham, AL 35201, ALL FUNDS ON DEPOSIT IN ACCOUNT NUMBER 8036513417 Held in the name of Axion Corporation, located at Colonial Bank, P.O. Box 1887, Birmingham, AL 35201,

Defendants-Appellees.

On Appeal from the United States District Court for the Northern District of Alabama

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Before: DUBINA, Chief Judge, EDMONDSON and HILL, Circuit Judges.

PER CURIAM:

The Petition (s) for Rehearing are DENIED and no Judge in regular active Service on the Court having requested that the Court be polled on Rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition (s) for Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:

/s/ Joel F. Dubina
CHIEF JUDGE

ORD-42 (6/95)

APPENDIX C
Title 28 U.S.C. § 2465

§ 2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law--

(1) such property shall be returned forthwith to the claimant or his agent; and

(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for--

(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

(B) post-judgment interest, as set forth in section 1961 of this title; and

(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale--

(i) interest actually paid to the United States from the date of seizure or arrest of the property that

resulted from the investment of the property in an interest-bearing account or instrument; and

(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

(C) If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States--

(i) promptly recognizes such claim;

(ii) promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

(iii) does not cause the claimant to incur additional, reasonable costs or fees; and

(iv) prevails in obtaining forfeiture with respect to one or more of the other claims.

(D) If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.

Supreme Court, U.S.
FILED

091247 FEB 8 - 2010

OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

lex Nooredin Latifi, Beth Latifi, and Axion Corporation,
Petitioners

v.

United States of America,
Respondent.

On Petition for Writ of Certiorari
To The United States Court of Appeals
for the Eleventh Circuit

SUPPLEMENTAL APPENDIX

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SUPPLEMENTAL APPENDIX

D. **Order of the United States District Court for the Northern District of Alabama**, U. S. v. Certain Real Property, Cause No. 06-1102, issued May 29, 2008.

APPENDIX D

FILED
2008 May-29 PM 03 58
U S DISTRICT COURT
N D OF ALABAMA

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHEASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. CV 06-J-1 102-NE

CERTAIN REAL PROPERTY, et al.,

Defendants.

ORDER

By order of this court on April 2, 2008, the claimants to the defendant properties were awarded attorneys' fees under the provisions of the Civil Asset Forfeiture Reform Act, 28 U.S.C. § 2465(b) ("CAFRA") (doc. 72). The claimants have since filed evidence of the attorneys' fees that they incurred in defending this case (doc. 73) and the parties have both filed briefs on the relevant issues raised by the claimants' submission (docs. 74 & 75). The claimants assert that they are entitled to recover at least $414,198,50 (doc. 73). This amount includes attorneys' fees incurred defending this civil forfeiture case and the related criminal case. *Id.* Having considered the parties' submissions, the court finds that the claimants are entitled to recover

attorneys's fees in the amount of $363,259.92 plus interest.

Factual Background

On June 8, 2006, the United States filed a verified complaint for forfeiture *in rem* against one piece of real property located in Huntsville, Alabama and two Colonial Bank deposit accounts with account numbers XXXXXX2644 and XXXXXX3417 (doc. 1). The complaint alleged that Alex Latifi and his company, Axion Corporation ("Axion"), had violated various federal statutes in connection with Axion's production of a part for the Blackhawk helicopter (doc. 1). Specifically, the complaint stated that in August of 2003 Axion was awarded a $3.7 million contract by the U.S. Army to supply bi-filar weight assemblies for the Army's Blackhawk helicopter (doc. 1). The bifilar weight assembly is a tungsten alloy part that is placed on the transmission head of a helicopter's rotor blade to dampen the vibration on the main rotor head. *Id.* The complaint alleged that in producing the bifilar weight assembly, Latifi disclosed classified drawings to tungsten suppliers in China in violation of the Arms Export Control Act, 22 U.S.C. § 2778. *Id.* The complaint further alleged that Axion produced the bifilar weight assemblies using tungsten from China, which contradicted prior statements made by Axion to the government in violation of 18 U.S.C. § 38 (fraud involving aircraft parts). *Id.* Finally, the complaint alleged that Axion had not properly tested the parts that it sent to the government in violation of 1 8 U.S.C. § 287 (false claims to the United States). *Id.* The following day, a warrant was issued and executed for the in rem arrest of the named properties (doc. 2).

Pursuant to Federal Rule of Civil Procedure C(6), verified statements of interest were filed by Alex

and Beth Latifi and Axion Corporation (the "claimants") stating that they had an interest in the real property named in the complaint (docs. 3 & 4). Alex and Beth Latifi stated that they were the sole owners of the piece of real property named in the complaint (doc. 4). Axion stated that it had a leasehold interest in the piece of real property named in the complaint and that it was the sole owner of all funds deposited in the two accounts named in the complaint (doc. 3).

On June 20, 2006, the government filed a Notice of Stipulation for Release of Funds, which authorized a one time release of $76,000.00 for the purpose of allowing Axion to meet its short term operating expenses (doc. 8). As part of the stipulation, the claimants agreed to maintain a minimum amount of $15,000.00 in account number XXXXXX3417 through the duration of the civil forfeiture case. *Id.* On July 6, 2006, the government filed a second Notice of Stipulation for Release authorizing a release of $1,275,000.00 from the two bank accounts for the purpose of alleviating the hardship imposed on Axion by the civil forfeiture case. (doc. 12). As part of the agreement, the claimants pledged as security 8.77 acres of land valued at $1,275,000.00. *Id.*

On July 28, 2006, the claimants filed a notice of deposition seeking to depose Marcus W. Mills, one of the primary agents in the ongoing criminal investigation of the claimants (doc. 14). In response the government filed a motion to stay this case pursuant to 18 U.S.C. § 981(g)(1), which directs the district court to "stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a

related criminal case" (doc.15).[1] The district court[2] granted the government's motion and stayed the civil forfeiture case finding that the ongoing criminal investigation was related to the civil forfeiture case and that discovery would have an adverse affect on the investigation (doc. 17).

On October 3, 2006, the claimants filed a Petition for Release of Funds, which moved the court to release all funds in both accounts pursuant to 1 8 U.S.C. § 983(f)(1)[3] so that Axion could pay more than

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[1] The court notes that each and every time that the Latifi parties have sought discovery, whether in the civil forfeiture case or in the attorneys' fee disputes in both cases, the government has vigorously resisted whether or not such resistance was warranted.

[2] This case was assigned to another district judge at the time the stay was entered. At that time there was no criminal case pending. On March 28, 2007, an indictment was filed in the related criminal case (Case no. 07-CV-98-NE, doc. 1). The criminal case was assigned to the undersigned Following the disposition of the criminal case, on January 29, 2008, this case was transferred to the undersigned as well (Case no. 06-CV-1 102-NE, doc. 51).

[3] 18 U.S.C. § 983(f)(1) § 983(f)(1) provides that a claimant is entitled to immediate release of seized property if--

(A) the claimant has a possessory interest in the property;

(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

(D) the claimant's likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost,

$850,000.00 in outstanding taxes (doc. 20). The court denied the claimants' petition finding that the claimants had not made the requisite showing under 18 U.S.C. § 983((1) (docs. 23 & 27).

On December 22, 2006, the claimants filed an emergency motion requesting that the stay be lifted and that the case be immediately set for trial (doc. 28). As grounds for the motion, the claimants asserted that the investigation had remained dormant for months and that Axion had suffered severe and irreparable harm. *Id.* In its response, the government denied the claimants' allegations stating that the investigation was still ongoing and that the government had agreed to release funds to the claimants so that the claimants could meet their short term business obligations (doc. 29). The court denied the claimants' motion finding that there was no "emergency" requiring the trial date be set and the stay be lifted (doc. 32).

On March 28, 2007, more than nine months after the civil forfeiture complaint was filed, Alex Latifi and Axion were indicted on five counts all relating to the production of the bifilar weight assembly (Case no. 07-CV-98-NE, doc. 1). On May 2, 2007, a superseding indictment was filed adding a sixth count relating to the production of the bifilar weight assembly (doc. 9). Following several orders delaying the trial setting, a bench trial was held beginning on October 22, 2007, and concluding on October 30, 2007 (*See* Docket Report for 07-CV-98-NE, Minute entries for October 22-30, 2007). On October 30 the court dismissed all charges against the defendants finding that the evidence was insufficient to sustain a conviction (doc. 61). On

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concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

(E) none of the conditions set forth in paragraph (8) applies.

December 12, 2007, the defendants filed a motion to recover attorneys' fees incurred in defending the criminal case pursuant to the Hyde Amendment, 18 U.S.C. § 3006A statutory notes[4] (doc. 62). That motion is still pending at this time.

Following dismissal of the criminal charges against Latifi and Axion, the government filed a motion to dismiss the civil forfeiture case with prejudice (Case no. 06-1 102, doc. 39). As grounds for its motion, the government stated that "continued litigation concerning the defendant properties is no longer in the best interests of the United States." (doc. 39). The motion further asserted that at the time the property was seized, the government had reasonable cause for the *in rem* arrest of the properties and requested that a certificate of reasonable cause be entered on behalf of the government under the provisions of 28 U.S.C. § 2465(a)[5] (doc. 39). The claimants filed a response to the government's motion to dismiss agreeing that the case should be dismissed with prejudice and asserting that a dismissal with prejudice entitled them to attorney's fees under the provisions of CAFRA (doc. 41). The claimants also

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[4] The Hyde Amendment allows criminal defendants to recover attorneys' fees upon a showing that "the position of the United States was vexatious, frivolous, or in bad faith." 18 U.S.C. § 3006A statutory notes

[5] 28 U.S C. § 2465(a) provides that a certificate of reasonable cause should be issued by the court if "[u]pon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law . . . it appears that there was reasonable cause for the seizure or arrest." A certificate of reasonable cause protects the person who made the seizure or arrest and the prosecutor from liability arising from the seizure or arrest *Id.*

objected to the government's request for a certificate of reasonable cause. *Id.*

A week after filing its motion to dismiss, the government, apparently realizing that a dismissal with prejudice would entitle the claimants to attorneys' fees under CAFRA, filed a motion to withdraw its motion to dismiss with prejudice or, in the alternative, to convert it to a motion to dismiss without prejudice (doc. 45). On February 13, 2008, the government's motion to withdraw was granted and a hearing was set for the government's pending motion for a certificate of reasonable cause and the claimants' pending motion for attorneys' fees (doc. 52).

On February 21, 2008, the government filed a motion to dismiss without prejudice stating that it no longer intended to pursue the civil forfeiture case (doc.53). The following day the claimants filed a response to the government's motion agreeing that the case should be dismissed, but arguing that the dismissal should be with prejudice (doc. 54). On February 29, 2008, the claimants filed a motion requesting that the stay be lifted so that the claimants could conduct discovery on their claim for attorneys' fees (doc. 57). The court granted the claimants' motion thereby lifting the stay that was entered in the case on August 28, 2006 (doc. 58).

On March 13, 2008, the government, apparently realizing that its pursuit of a certificate of reasonable cause potentially entitled the claimants to extensive discovery, filed a notice informing the court that it was withdrawing its request for a certificate of reasonable cause (doc. 61). On April 2, 2008, the court entered an order dismissing the case with prejudice and holding that the claimants were entitled to recover the attorneys' fees they incurred defending the civil forfeiture case under the provisions of CAFRA (doc. 72).

Discussion

CAFRA provides in pertinent part:

[I]n any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for —

(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

(B) post-judgment interest, as set forth in Section 1961 of this title.

28 U.S.C. § 2465(b)(1). As the substantially prevailing party, the claimants assert that they are entitled to recover $414,198.50 (doc. 73). This amount includes fees incurred defending the civil forfeiture case AND the criminal case up until the acquittal of Latifi and Axion. *Id.* The claimants argue that they are entitled to recover the fees incurred in defending the criminal case because those fees were "reasonably incurred" as part of defending the civil forfeiture case. *Id.*

To determine if an award is reasonable, a court must first calculate a "lodestar" figure - the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate. *United States* v. *$23,400 in United States Currency*, 2007 WL 1080292, * 3 (W.D. N.C.); citing *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). In calculating the lodestar figure, a court must take into account the twelve factors identified in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974). The twelve Johnson factors are: (1) the time and labor required to litigate the suit; (2) the novelty and difficulty of the questions presented by the lawsuit; (3) the skill required to properly perform the legal service; (4) the preclusion of other employment

opportunities for the attorney due to the attorney's acceptance of the case; (5) the customary fee for such services; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount in controversy involved and the results obtained; (9) the experience, reputation, and ability of the attorney; (10) the "undesirability" of the case; (11) the nature and length of the attorney's professional relationship with the client; and (12) awards in similar cases. *Id.* at 71 7-20.

In its brief, the government identifies seven different categories of hours that should be deducted from the claimants' requested total of $414,198.50 in determining the lodestar (doc. 74). The first and by far the largest category is the hours incurred defending the criminal case. Indeed the hours spent defending the criminal case represent at least $292,929.50 of the $414,198.50.[6] The issue of whether fees incurred in a related criminal case are recoverable under CAFRA appears to be an issue of first impression as the court has been unable to find any cases addressing the issue.

I. *Whether hours that were spent litigating the criminal case are recoverable.*

CAFRA allows claimants to recover all fees which were "reasonably incurred" in any "civil proceeding to forfeit property." 28 U.S.C. § 2465(b)(1). Other courts have interpreted the attorneys' fee provision of CAFRA broadly noting that when CAFRA's language is compared to that of its predecessor, it suggests that "Congress intended to liberalize the award of attorneys' fees rather than restrict them." *$23,400.00 in United States Currency*, 2007 WL

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[6] The government also asserts that $9,743.40 of criminal work was included in the civil case itemization.

1080292 at *2. Prior to 2000, claimants in civil forfeiture actions typically based petitions for attorneys' fees on the Equal Access to Justice Act ("EAJA"). Under EAJA, the "prevailing party" in a case is entitled to recover attorneys' fees. 28 U.S.C. §2412(b). CAFRA, however, "broadens the class that can receive fees in forfeiture actions to claimants who 'substantially prevail.'" *$23,400.00 in United States Currency*, 2007 WL 1080292 at * 2.

In addition, unlike EAJA, CAFRA also does not have a statutory cap on the hourly attorney rates upon which the award may be based. *See, e.g., United States v. United States Currency in the Sum of Six Hundred and Sixty Thousand, Two Hundred Dollars*, 438 F.Supp.2d 67, 72 (E.D. N.Y. 2006) ("CAFRA clarified that in circumstances where claimants were eligible for attorneys' fees and costs, the EAJA cap no longer applied, yielding to the lodestar analysis instead"). Moreover, courts have held that an award granted pursuant to CAFRA should be determined by an examination of the rates and fees under the lodestar method. *See id.; see also $23,400.00 in United States Currency*, 2007 WL 1080292 at * 3. Thus, a comparison of CAFRA fee provisions to EAJA fee provisions reveals that CAFRA not only broadened the class of persons entitled to recover attorneys' fees, but also provided for a greater award.

The broad interpretation that other courts have given to CAFRA's fee provisions is justified given the stated purpose of CAFRA is "to make federal civil forfeiture procedures fair to property owners and to give owners innocent of any wrongdoing the means to recover their property and make themselves whole after wrongful government seizures." P.L. 106-185, Civil Asset Forfeiture Reform Act, H.R. REP. No. 106-192, at 11 (1999). Here, the only way the claimants

can be made whole is to award them the attorneys' fees that were incurred in defending the criminal case because the claimants could only recover the seized property in the civil forfeiture case by obtaining an acquittal in the criminal case.

The Supreme Court has held in the context of section 1983 lawsuits, that work done in a separate administrative proceeding is recoverable if it was "useful and of a type ordinarily necessary to secure the final result obtained from the litigation." *Webb v. Board of Education of Dyer County, Tennessee*, 471 U.S. 234, 243 (1985). In *Webb*, the plaintiff was represented by counsel in local administrative proceedings and in a subsequent section 1983 action challenging the termination of his employment as a public school teacher. *Id.* at 236. The plaintiff ultimately prevailed and was awarded attorneys' fees for the time spent on the judicial proceedings, but denied fees for the time spent in proceedings before the local school board. *Id.* The Supreme Court affirmed holding that the attorney's work in front of the local school board would not be compensable unless the entire work or any discrete portion of it was 'useful and of a type ordinarily necessary' to secure the final result obtained from the litigation." *Id.* at 243; *see also Pennsylvannia v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 561 (1986). Thus, attorneys' fees incurred in a related proceeding are recoverable if the work is "useful and of a type ordinarily necessary to secure the final result obtained from the litigation." *See Webb*, 471 U.S. at 243.

Here, the work done by the claimants' attorneys in the criminal case was clearly useful as it directly resulted in the dismissal of the civil forfeiture case. In fact, the claimants were required to litigate the civil forfeiture case through the criminal case because of the stay imposed on the civil forfeiture case. If Latifi and

Axion had been convicted in the criminal case, then the property would have been immediately subject to forfeiture. 28 U.S.C. § 2461(c) ("If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case pursuant to the Federal Rules of Criminal Procedure and section 3554 of title 18, United States Code."). If the defendants were acquitted, as they were, then that result would not have had res judicata effect on this civil forfeiture case. However, in this case the court found that the evidence in the criminal case was insufficient to sustain a conviction (Case no. 07-CV-98-NE, doc. 61.) As the government's subsequent motion to dismiss the civil forfeiture case demonstrates, the government had no intention of pursuing the civil forfeiture case after Latifi and Axion were acquitted. Thus, the acquittal in the criminal case directly led to the dismissal of the civil forfeiture case. Indeed, the only way for the claimants to obtain a dismissal of the civil forfeiture case was by obtaining an acquittal in the criminal case.

The work was also of a type ordinarily necessary to secure the final result obtained from the litigation since the civil proceeding was stayed pursuant to CAFRA and, as discussed above, the only way for the claimants to succeed was to gain an acquittal in the criminal trial. Therefore, the requirements of *Webb* are satisfied and the claimants are entitled to recover fees incurred in defending the related criminal case.

Awarding the claimants fees for work done in

the criminal case clearly allows the claimants to avoid the stricter requirements for recovering attorneys' fees under the Hyde Amendment, 18 U.S.C. § 3006A statutory notes. The Hyde Amendment allows for the defendant to recover fees only if he can show that "the position of the United States was vexatious, frivolous, or in bad faith." 18 U.S.C. § 3006A statutory notes. Thus, any award in this case which includes fees incurred in the criminal case would allow the claimants to recover those fees without proving "that the position of the United States was vexatious, frivolous, or in bad faith." *See Id.* However, if the court were to find that fees incurred defending the criminal case were not recoverable under CAFRA, then the government would be allowed to avoid CAFRA, as it has tried to do in this case, by moving for a stay in the civil case and prosecuting the criminal case.

In this case, the less objectionable of the two options is to allow the claimants to recover the fees incurred defending the criminal case. To find otherwise would provide the government with a roadmap to avoiding liability under CAFRA in every instance by staying the civil case and prosecuting the criminal case. The potential for abuse of this scenario is illustrated by the facts of this case. The verified complaint for forfeiture *in rem* was filed on June 7, 2006 (Case no. 06-CV-1 102-VEH, doc. 1). The criminal indictment was not filed until March 27, 2007, more than nine months later (Case no. 07-CV-98-IPJ, doc. 1). For those nine plus months, Axion was effectively shut down as all of its assets were frozen. For eight of those months, the civil forfeiture case was under a stay so the claimants were unable to conduct discovery or file potentially dispositive motions. Thus, the claimants were forced to wait an indeterminate amount of time until the government completed its investigation and pursued an indictment before the claimants could even

litigate the civil forfeiture case.

In criminal cases, the Speedy Trial Act ensures that once a defendant is indicted, he will be tried promptly. *See* 18 U.S.C. § 3 161 *et seq.* There is no such equivalent on the civil side. Therefore, the government is free, as long as it has reasonable cause, to initiate a civil forfeiture action long before it intends to indict someone for the underlying offenses.[7] This framework allows the government to effectively shut down an accused business regardless of whether that business is later acquitted in a criminal trial. This result is unfair to potential defendants and in this case, as a practical matter, ruined Axion's business. The court will not stand aside and allow the government to abuse the provisions of CAFRA as has been done in this case.

For the foregoing reasons the court finds that the claimants are entitled to recover the fees from the criminal case which total $292,929.50 for 1327.7 hours of work, subject to the deductions discussed below. Thus, at this stage of the analysis, the claimants are entitled to recover $414,198.50. *See* Appendix A.

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[7] For at least part of the investigation of Latifi and Axion, the government was under the impression that Latifi and Axion were violating the Buy American Act, 41 U.S.C. 10a. *See*, e.g., doc. 97 at 25-28 (Mills' testimony at trial). In fact, the original search warrant authorizing the raid of Axion was premised on an affidavit prepared by the lead investigator Marcus Mills which stated that the Buy American Act had been violated (doc. 97 at 26). The Buy American Act, with certain exceptions, requires that articles, materials, and supplies that have been mined, produced, or manufactured in the United States be utilized in fulfilling federal government procurement and construction contracts. 41 U.S.C. § 10a(a). It was not until after the investigation was underway that the government realized that Latifi and Axion were not in violation of the Buy American Act (doc. 97 at 26).

II. *Whether claimants' unbilled hours are recoverable.*[8]

The second category identified by the government that should be deducted from the claimants' asserted total of $414,198.50 is the hours that were not actually billed to the client in the civil case.[9] *See* Appendix B. The government argues that these hours should be deducted because the claimants should seek no more than the hours that were actually billed to the client. The claimants' response is that these are hours that simply have not yet been billed and, thus, are recoverable.

Fee applicants must exercise what the Supreme Court has termed "billing judgment." *Hensley v. Eckerhart,* 461 U.S. 424, 434 (1983). "That means they must exclude from their fee applications hours 'that would be unreasonable to bill to a client and therefore to one's adversary *irrespective of the skill, reputation or experience of counsel.*" *ACLU of Georgia v. Barnes*, 168 F.3d 423, 428 (11th Cir. 1999) (quoting *Norman v. Housing Auth. of Montgomery*, 836 F.2d 1292, 1301 (11th Cir. 1998)(emphasis in original)).

The court finds it is clear from the time sheets that the claimants' attorneys have no intention of billing their clients for the difference between the base amount and the billed amount. This intent is evidenced by the fact that those differences appear throughout

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[8] The remaining categories identified by the government only concern hours from the civil forfeiture case time sheet. Because the court has determined that hours incurred in the criminal case are also compensable, the court will consider the government's arguments as they apply to both the civil time sheets and the criminal time sheets

[9] In the criminal case, the base amount and amount actually billed are the same.

entries in the civil case and date back to the first entry on June 8, 2006. *See* Appendix B. Surely, the claimants' attorneys do not intend to bill their clients for fees charged almost two years ago. The only exception is the last three attorney entries on the claimants' civil time sheet, which show a billed amount of $0 for each entry. *See* Appendix B. Since these entries each have an April 2008 date and the claimants' submission was filed on April 23, 2008, the court assumes that these hours will be billed to the client during the next billing cycle. These amounts are recoverable if the entire amount or part of the amount is actually billed to the claimants. The claimants' attorneys are ORDERED to provide proof to the court of the amount that they actually bill their clients for the last three attorney time entries dated 4/3/2008, 4/3/2008, and 4/9/2008. Upon such showing, the claimants will be entitled to recover the amount proven. Until that time, the court shall deduct the entire $6,816.42. *See* Appendix B.

III. *Whether hours not spent litigating the civil forfeiture case are recoverable.*

The government next asserts that the claimants have included hours that were not spent litigating the civil forfeiture case in their requested total. Specifically, the government asserts that the claimants have included hours for work done on behalf of Latifi and Axion in (1) private litigation in state court, (2) administrative proceedings with the Army on suspension and debarment issues, potential False Claims Act proceedings, and (4) tax matters. The government argues that none of these hours are compensable under CAFRA. In an affidavit submitted with the claimants' brief, the claimants' attorney, Henry I. Frohsin, denies performing any

services for the claimants in the state court case referenced by the government (exhibit A to doc. 75, at ¶ 4). Frohsin further submits to the extent that claimants seek fees incurred for conferences with attorneys S. Dagnal Rowe, Richard Raleigh, and Marcus Allen Huff,[10] such fees were reasonably incurred in the investigation of this case. *Id.* at ¶ 3. Claimants were referred to their Baker Donelson attorneys by their primary attorney of many years, S. Dagnal Rowe of the law firm Wilmer & Lee, P.A., in Huntsville, Alabama. *Id.* Throughout this litigation, Frohsin and James Barger, the claimants' lead attorneys consulted with Rowe, Raleigh, and Huff about facts and strategy directly related to this case. *Id.* The government has offered nothing beyond mere speculation to show that these consultations did not further the investigation of this case.

Similarly, the work performed concerning administrative proceedings with the Army, the potential False Claims Act proceedings, and tax matters are recoverable as they were reasonably incurred in defending the civil forfeiture action. First, the claimants' attorneys assert that they performed this work in anticipation that the government would attempt to present evidence of alleged "other wrongs" pursuant to Federal Rules of Evidence 404(b) in the criminal case (exhibit A to doc. 75, at ¶ 5). Accordingly, the claimants were required to prepare to defend against such claims.[11] *Id.* Second, claimants sought a

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[10] Rowe, Raleigh, and Huff are the claimants' state court attorneys.

[11] Axion and Latifi correctly anticipated that the government would attempt to introduce evidence of other crimes, wrongs or acts under 404(b) as the government filed a motion notifying the court and the defendant of its intent to

release of funds during the course of this suit in order to pay federal taxes. (Case no. 06-CV-1 102 NE, doc. 20). Since the government opposed this request, the claimants were required to research whether there were alternate means of paying the outstanding taxes (exhibit A to doc. 75, at ¶ 6). The court finds that hours for work done on Rowe, Raleigh, and Huff are the claimants' state court attorneys these matters is recoverable as the work was necessary to defend against the claim of civil forfeiture.

IV. *Whether hours of unidentified attorneys and paralegals are recoverable.*

The fourth category identified by the government is 576 hours that were billed for unidentified attorneys and paralegals. In its initial filing, the claimants identify several attorneys whose services were billed on the civil and criminal timesheets. The claimants state that the services of Henry I. Frohsin (identified in the timesheets as "HIF") were billed at hourly rates between $375.00 and $395.00 (exhibit C to doc. 73, at ¶ 5). The services of James F. Barger, Jr. ("JFB") were billed at hourly rates of $155.00 and $200.00. *Id.* The services of attorneys Elliot Walthall ("JEW") and Catherine Long ("CCL") were billed at $170.00 per hour. *Id.* at ¶ 6. In addition, the services of "experienced paralegals" were billed at an hourly rate of $140.00 and other experienced attorneys provided limited services at hourly rates between $345.00 and $525.00. *Id.*

The government does not object to the rates for Frohsin, Barger, Walthall, or Long. However, the government does object to the rates for the unidentified

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introduce such evidence four days before the criminal trial (doc. 55)

attorneys and paralegals who provided services for the claimants. In their response to the government's objections, the claimants identified Harriet Ivey ("HTI") as an experienced Birmingham attorney whose services were billed at $230.00 per hour; Richard Newcomb ("RRN") as an attorney in Baker Donelson's Washington D.C. office whose services were billed at $525.00 per hour; and Doreen Edelman ("DME"), another attorney in the Washington D.C. office whose services were billed at $345.00 per hour (exhibit A to doc. 75, at ¶ 7). The claimants, however, failed to identify the paralegals who billed at $140.00 per hour and several other people who provided services at various rates. Those people are identified on the time sheets as CJB, CRJ, KRG, RAP, SKP, CCH, Nelan, AMG, LAH, LAB, DFR, DGC, Fortson, and MAD.

From its own experience conducting the criminal trial, the court knows that "CJB" is Carolyn Black, a paralegal who has done extensive work on both the civil and criminal cases. The court cannot determine from the claimants' submissions who CRJ, KRG, RAP, SKP, CCH, Nelan, AMG, LAH, LAB, DFR DGC, Fortson, and MAD are or what service they performed. Some of these unidentified individuals are likely paralegals as their services are billed at an hourly rate of $140.00 per hour. *See* Appendix C. However, the hours of many of these unidentified individuals are billed at rates other than $140.00 per hour.[12] *Id.* The

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[12] KRG, RAP, SKP, Fortson, and MAD appear to be summer law clerks who performed work in the criminal case. The claimants are not entitled to recover these amounts as they are ordinarily absorbed in the firm's overhead.

Similarly, CCH and CRJ appear to be attorneys because of the rates charged for their services. However, since the claimants have provided no information about who these attorneys are or where they work, the court cannot determine

court will not engage in pure speculation and attempt to decipher who these unidentified individuals are and what job title they hold. Since the court has no information on these individuals, it is impossible for the court to determine whether their rates are reasonable. Thus, the court finds that the claimants cannot recover for the services of these unidentified individuals other than Carolyn Black. Accordingly, $14,933.14 shall be deducted for fees charged by unidentified individuals other than Carolyn Black. *Id.*

With regard to Carolyn Black's hours, the court finds that $140.00 per hour is an excessive rate even for the most experienced paralegal. The court finds, based on its own experience and knowledge of the Birmingham market that a reasonable rate for an experienced paralegal is $75.00 per hour. Accordingly, $26,967.16 shall be deducted for work completed by Carolyn Black. *See* Appendix D.

The next issue is whether the claimants can recover non-local rates for the two attorneys, Newcomb and Edelman, who practice in Washington D.C. Newcomb's services were billed at a rate of $525.00 per hour and Edelman's services were billed at a rate of $345.00 per hour. The general rule is that the "relevant market" for purposes of determining the reasonable hourly rate for an attorney's services is "the place where the case is filed." *Cullens v. Georgia Dep't of Transp.*, 29 F.3d 1489, 1494 (11th Cir.1994). If a fee applicant desires to recover the non-local rates of an attorney who is not from the place in which the case was filed, he must show a lack of attorneys practicing in that place who are willing and able to handle his claims. *See Id.* The claimants have provided no

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whether the amount billed for their services constitutes a reasonable amount.

evidence concerning the availability of a local attorney to provide the same services that were provided by Newcomb and Edelman. Regardless of the expertise of Newcomb and Edelman, they cannot receive non-local rates because the claimants have failed to make the requisite showing. Since Edelman's rate is within a reasonable rate for the Birmingham market it does not have to be reduced. Newcomb's on the other hand, must be reduced to $395.00 per hour, the top rate billed for Frohsin. That requires a deduction of $1,647.46. *See* Appendix E.

V. *Whether hours billed for secretarial work performed by paralegals are recoverable.*

Claimants are entitled to attorneys' fees for work by paralegals only to the extent that the paralegals perform work traditionally done by an attorney. *Allen v. U.S. Steel Corp.*, 665 F.2d 689, 697 (5th Cir. 1982). Hours spent on purely clerical or secretarial tasks are unrecoverable overhead expenses. *Id.*

The court finds that $574.40 should be deducted for secretarial work performed by Carolyn Black. *See* Appendix F.

VI. *Whether hours that are inadequately documented are recoverable.*

Contrary to the government's assertion, none of the hours billed by the claimants' attorneys are inadequately documented. In Hensley, the Supreme Court stated that "[p]laintiff s counsel, of course, is not required to record in great detail how each minute of his time was expended. But at least counsel should identify the general subject matter of his time expenditures." 461 U.S. at 437 n.12 (1983). The court finds that the entries alluded to by the government are

documented in such a manner that the general subject matter of the time expenditure is clear. Therefore, no hours shall be deducted because of inadequate documentation.

VII. *Whether time spent upon discrete, unsuccessful claims is recoverable.*

The government argues that hours spent filing unsuccessful motions while the case was stayed should be deducted from the total. In support of this argument, the government relies on precedent of the United States Court of Appeals for the Eleventh Circuit which directs the court to deduct "time spent upon 'discrete and unsuccessful claims' from the calculations." *Duckworth v. Whisenant*, 97 F.3d 1393, 1397 (1 1th Cir. 1996). The government's reliance on this line of cases is misplaced, however, because these cases address situations where "a plaintiff may present in one lawsuit distinctly different claims for relief that are based on different facts and legal theories." *Hensley*, 461 U.S. at 434. Here, there is only one claim, the government's claim for civil forfeiture, and the party seeking the fees is not a plaintiff. Therefore, the cases relied on by the government are distinguishable from the present situation and, thus, inapplicable.

Furthermore, the government mis-characterizes the claimants' action as discrete and unsuccessful. The government identifies as discrete unsuccessful claims the claimants' attempts to obtain release of funds in order to pay taxes and employees. The court finds that these were legitimate and essential actions undertaken in furtherance of the claimants' interest. These actions do not represent discrete unsuccessful claims, but instead attempts to keep the claimants' business afloat. Therefore, they are fully recoverable under CAFRA, as they were reasonably incurred in defending

the civil forfeiture case.

Discrete and unsuccessful claims is the final category identified by the government as deductible from the total asserted by the claimants. Having made the appropriate deductions from the claimants' asserted total, the court finds that the claimants are entitled to recover $363,259.92 at this point in the analysis. *See* Appendix G.

VIII. *Whether the claimants' award should be enhanced.*

The claimants assert that the court should enhance the fee award because of the unusual circumstances of this case and the result obtained. Having concluded that the claimants are entitled to recover a fee of $363,259.92, the court does not reach the issue of enhancement.

IX *The reasonableness of the fee award.*

The court must now consider whether an award of $363,259.92 in attorneys' fees is reasonable. In doing so, the court is guided by the twelve factors enunciated in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974). Although the *Johnson* factors are stated above, the court finds it necessary to state them again for purposes of this analysis. Thus, the factors are: (1) the time and labor required to litigate the suit; (2) the novelty and difficulty of the questions presented by the lawsuit; (3) the skill required to properly perform the legal service; (4) the preclusion of other employment opportunities for the attorney due to the attorney's acceptance of the case; (5) the customary fee for such services; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount in controversy involved and the results obtained; (9) the experience,

reputation, and ability of the attorney; (10) the "undesirability" of the case; (11) the nature and length of the attorney's professional relationship with the client; and (12) awards in similar cases. *Id.* at 717-20.

As for the first factor, this case required the claimants' attorneys to expend a large amount of time and labor in order to obtain the dismissal. In total, the claimants' attorneys billed their clients for 531.4 hours for work done on the civil case. *See* Appendix B. In addition, the claimants attorneys billed their clients for 1327.7 hours of work in the criminal case.[13] *See* Appendix A. Thus, the total hours spent in obtaining the dismissal of the civil forfeiture case is 1859.1 hours. The court finds that the first factor weighs in favor of finding the fee award reasonable as $363,259.92 is a reasonable fee for 1859.1 hours of work.

The second factor also weighs in favor of finding the fee award reasonable since the civil forfeiture case and the criminal case involved several complex statutory and regulatory schemes, including the Arms Export Control Act, the International Trafficking in Arms Regulations, the President's Munitions List, the federal wire fraud statute, and CAFRA. The legal questions presented in this case were made even more complex by the confusion created by the government concerning what statutes Latifi and Axion were actually accused of violating. Given the complexity of the case, great skill and expertise were required in order to successfully defend the claimants' rights. Thus, the third factor also weighs in favor of finding the fee award reasonable.

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[13] The hours billed in the criminal case must be considered in determining the reasonableness of the fee since they are included in the total fee award.

The fourth factor weighs neither for nor against the reasonableness of the fee award since the court is unaware of the claimants' attorneys being precluded from pursuing other cases as a result of this case.

With regard to the fifth factor, the claimants have provided evidence in the form of affidavits of two highly respected Birmingham criminal defense attorneys, G. Douglass Jones[14] and J. Mark White,[15] who both state that the fees and costs of defending the underlying criminal case can be reasonably attributed to defending the civil forfeiture case (exhibit D to doc. 73, at ¶¶ 8-9) ("Based upon my experience as a white collar criminal attorney in complex cases against the Government, it is my opinion that it would be impossible to defend this civil forfeiture action without defending and obtaining an acquittal in the underlying criminal action"); (exhibit E to doc. 73 at ¶¶ 9-10) (same). Jones and White further state that a fee award of $414,198.50 represents an overall fee in the low range, given the complexity of this case (exhibit D to doc. 73, at ¶ 13); (exhibit E to doc. 73, at ¶ 14). Thus, the court finds that the fifth factor weighs in favor of finding an award of $363,259.92 reasonable.

The sixth factor asks whether the fee is fixed or contingent. The fee in this case was presumably fixed. The court finds that this factor does not weigh in favor or against the reasonableness of the fee award.

The seventh factor weighs heavily in favor of the reasonableness of the award as all of Axion's assets were seized and its business, as a practical matter, was

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[14] Mr. Jones is a former United States Attorney himself. Jones aff. at ¶ 2.

[15] Mr. White is the president-elect of the Alabama Bar Association and past president of the Birmingham Bar Association. White aff. at ¶ 3.

shut down. Thus, time was of the essence during the pendency of the civil forfeiture case and the criminal case.

Similarly, the eighth factor weighs heavily in favor of finding the fee award reasonable. First, the allegations involved a $3.7 million government contract and the government estimated the cash value of the defendant properties at issue was $2,500,000.00 (Case no. 06-CV-1 102-NE, doc. 1). Moreover, the value of the defendant properties to the claimants greatly exceeded its estimated cash value. The defendant properties constituted all of the funding and property associated with Axion that took the claimants more than two decades to build, and was worth an estimated $50,000,000.00 at the time the complaint was filed (exhibit C to doc. 73, at ¶ 2). Second, the claimants' attorneys obtained the best possible result for the claimants - a dismissal of the case and a return of the seized property.

The ninth factor also weighs in favor of finding the fee award reasonable as the experience of the claimants' attorneys is without question. The claimants' lead counsel, Henry Frohsin, is a former First Assistant United States Attorney and a practicing attorney for forty years (exhibit C to doc. 73).

The tenth factor weighs neither in favor nor against the reasonableness of the award as the court makes no finding concerning the undesirability of the case. Likewise, the eleventh factor weighs neither in favor nor against the reasonableness of the award as the claimants' relationship with their Baker Donelson attorneys dates back to the time of the filing of the civil forfeiture complaint.

Finally, with regard to the twelfth factor, the court finds that it weighs in favor of finding the award

reasonable. As this is the first case in which a claimant has been awarded fees in the civil forfeiture case and the related criminal case, there are no similar cases to which the court can compare this award. However, the affidavits of Douglass Jones and Mark White submitted by the claimants state that a fee award of $414,198.50 represents an overall fee in the low range given the complexity of the case (exhibit D to doc. 73, at ¶ 14); (exhibit E to doc. 73, at ¶ 15). Based on these statements and the court's own experience, the court finds that the twelfth factor also weighs in favor of finding a fee award of $363,259.92 reasonable.

Having considered each of the twelve Johnson factors, the court finds that a fee award of $363,259.92 is reasonable.

X *Whether the claimants' are entitled to recover interest.*

CAFRA provides that the United States is liable for "post-judgment interest, as set forth in Section 1961 of this title." 28 U.S.C. § 2465(b)(1)(b). 28 U.S.C. § 1961 provides that

> [i]nterest shall be allowed on any money judgment in a civil case recovered in a district court. . . . Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment.

Therefore, the claimants are entitled to interest as provided above.

Conclusion

For the foregoing reasons, it is hereby **ORDERED** that the claimants are entitled to recover attorneys' fees in the amount of $363,259.92 plus interest as provided in 28 U.S.C. § 1961 from the government. The court reserves the option of increasing the amount if the claimants' attorneys provide proof to the court that they have charged the claimants for the last three attorney entries on the civil time sheet.

DONE and **ORDERED** this the 29th day of May 2008.

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE

FILED
2008 May-29 PM 03:58
U.S. DISTRICT COURT
N.D. OF ALABAMA

Appendix A

Total Hours in Civil and Criminal Case

Criminal Case

4/2/2007	JFB	$51.00	0.30	$51.00	0.30	Fax from Beth Ladd regarding Notice from U.S. Probation Office; Review Notice from U.S. Probation Office; Email to Beth Ladd and Henry Frohsin regarding same
4/2/2007	HJF	$226.00	1.20	$226.00	1.00	Telephone call to Alex Ladd; confer w/Hughmanick; telephone call to David Estes, telephone call to Judge Greene to postponement.
4/3/2007	JFB	$34.00	0.20	$34.00	0.20	Email to Alex and Beth Ladd regarding arraignment hearing; Review docket entries regarding Court Order filed under seal and Second Addendum report filed under seal; Emails to Henry Frohsin regarding same
4/4/2007	JFB	$17.00	0.10	$17.00	0.10	Emails to and from Beth Ladd regarding Notice of Arraignment; Email to Henry Frohsin regarding same
4/5/2007	HJF	$316.00	0.80	$316.00	0.80	Conference with Jim Benger re: indictment; telephone call to Lisa Singer USPO; confer re:bail.
4/6/2007	JFB	$238.00	1.40	$238.00	1.40	Conferences with Henry Frohsin and Alex Ladd regarding indictment and strategy; Phone call to Magistrate Judge Green regarding arraignment hearing; Phone call to assistant U.S. Attorney David Estes regarding same and regarding sealed supplement
4/6/2007	HJF	$1,461.50	3.70	$1,461.50	3.70	Read and review DA contract from AUSA Debra Telephone call to Dep Rees, left voice message. Telephone call from David Estes re return of property. Read and review indictment and conference with Jim Benger
4/9/2007	JFB	$119.00	0.70	$119.00	0.70	Telephone call to Alex Ladd re same; clerk's bond sent. Review Government Contract; Emails to and from Beth Ladd regarding arraignment hearing and status; Research regarding waiver of constitutional right to jury
4/9/2007	HJF	$118.50	0.30	$118.50	0.30	Read and review fax from Dwight Rowe. Telephone call to Lisa Springe.
4/11/2007	JFB	$136.00	0.80	$136.00	0.80	Review Notice of Supplemental Arraignment and Amended Indictment; Emails to and from Beth Ladd and Henry Frohsin regarding same
4/12/2007	HJF	$118.50	0.30	$118.50	0.30	Telephone call to Alex Ladd re excuse from arraignment; telephone call to Judge Greene re: same.
4/16/2007	JFB	$85.00	0.50	$85.00	0.50	Phone calls to and from Beth Ladd regarding meeting with probation officer and arraignment hearing; Conference with Henry Frohsin regarding same
4/17/2007	JFB	$170.00	1.00	$170.00	1.00	Emails to and from Alex and Beth Ladd regarding arraignment; Research regarding Indictment
4/18/2007	JFB	$170.00	1.00	$170.00	1.00	Multiple phone calls to Judge Davis' assistant and clerk regarding rescheduling of arraignment; Emails to and from Beth and Alex Ladd regarding same and regarding meeting with probation officer; Conference with Henry Frohsin regarding same; Phone calls to Alex Ladd and Beth Ladd regarding same; Phone calls to and from Judge Greene's clerk regarding pending deadlines; Phone calls to Judge Davis' clerk regarding same

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						Conference with Henry Frohsin regarding employment hearing and investigation with Gabbi and Warren. Travel to and from Huntsville for hearing; Appear at employment hearing and proceedings; Discussion with AUSA David Estes after employment hearing; Conference with Beth and Alan Latiff. Post witness interview with Kerry Warren.
4/19/2007	JFB	$1,700.00	10.00	$1,700.00	10.00	Phone calls to and from Henry Frohsin regarding hearing and interviews
4/19/2007	HSF	$276.50	0.70	$276.50	0.70	Telephone conference re JFB regarding employment results, telephone conference with JFB and Alan Latiff
4/20/2007	JFB	$510.00	3.00	$510.00	3.00	Witness interview with Jerry Gabby; Phone call to Alan Latiff regarding same; Travel to and from same
4/20/2007	HSF	$316.00	0.80	$316.00	0.80	Conference call with Dep Rowe, Rich Raleigh regarding status
4/23/2007	CJB	$42.00	0.30	$42.00	0.30	Review court orders re indictment issues, review court docket; emails with Jim Berger
4/25/2007	JFB	$102.00	0.60	$102.00	0.60	Conference with Henry Frohsin regarding indictment, status, and strategy
4/25/2007	CJB	$98.10	0.40	$98.00	0.40	Conference with Jim Berger re. status, telephone call to clerk's office re unsecured bond, further conferences with Jim Berger re. unsecured bond
4/26/2007	JFB	$476.00	2.80	$476.00	2.80	Conference with Carolyn Black regarding status, Review docket regarding same, Research regarding indictment; Review websites regarding letter drawings and public domain; Review Notice of Appearance of Henry Frohsin; Emails to and from Beth Latiff regarding protection documents; Conferences with Carolyn Black regarding
4/26/2007	HSF	$187.50	0.50	$187.50	0.50	Telephone call to Alan Latiff re: employment and issues of pre-trial publicity
4/25/2007	JFB	$221.00	1.30	$221.00	1.30	unsecured bond
4/26/2007	JFB	$476.00	2.80	$476.00	2.80	Research regarding evidence of letter weight assembly in the public domain; Email to AUSA David Estes regarding same; Conference with Henry Frohsin regarding strategy; Emails to and from Beth Latiff regarding conditions of release; Research regarding criminal procedure issues and activity
4/26/2007	HSF	$187.50	0.50	$187.50	0.50	Telephone call to Alan Latiff re: employment and issues of pre-trial publicity
4/25/2007	HSF	$118.50	0.30	$118.50	0.30	Telephone call to Dep Rowe re: status of indictment
4/27/2007	JFB	$465.00	2.80	$465.00	2.80	Teleconference with Henry Frohsin and AUSA David Estes and Ann Dicker; Research regarding stay orders, Research regarding direct effect of government's press release on global media; Conference with Henry Frohsin regarding same
4/27/2007	HSF	$987.50	2.50	$987.50	2.50	Review Rules to demonstrate lack of restriction on Offers assembly; conference with Jim Berger re. same; Telephone call to Robert Jeffrey to alert him on indictment and potential for engagement
4/25/2007	JFB	$34.00	0.20	$34.00	0.20	Review correspondence from Lloyd Peeples regarding possible False Claims Act allegations; Emails to and from Alan Latiff and Henry Frohsin regarding same
4/26/2007	CJB	$58.00	0.40	$58.00	0.40	Review documents related to criminal proceedings and organize same
4/30/2007	HSF	$2,607.00	6.90	$2,607.00	6.90	Conference with Jim Berger re: strategy and prepare for client conference; Research regarding Motion for Protective Order; Phone call from Alan Latiff regarding False Claims Act; Conference with Henry Frohsin regarding strategy; Draft and edit Motion for Protective Order; Research regarding effective use of detailed procedure
4/30/2007	JFB	$1,020.00	6.00	$1,020.00	6.00	Edit Motion for Protective Order and prepare for filing under seal; Review email from Jerry Gabby regarding political influence cases in government contracting law and review attached case law regarding same; Draft Motion to File Document Under Seal; Phone call to Judge Johnson's chambers regarding same; Email to Judge Johnson's chambers regarding same; Conference with Henry Frohsin, Beth Latiff, and Alan Latiff regarding indictment and factual investigation
5/1/2007	JFB	$1,054.00	6.20	$1,054.00	6.20	Prepare for motion for protective order; Telephone call to David Estes re: same and production of government
5/1/2007	HSF	$1,668.50	4.30	$1,668.50	4.30	documents; Conference with Alan and Beth Latiff;

5/3/2007	JFB	$665.00	3.50	$665.00	3.50	Review superseding indictment; Email to Henry Frohsin regarding same; Research regarding same
5/3/2007	HF	$1,362.50	3.80	$1,362.50	3.50	Review superceding indictment; conference with James Berger re. same. Review strategy for Mid.
5/4/2007	CJB	$70.00	0.80	$70.00	0.50	Conference with Jim Berger re: review and organization of documents; work on review and organization of documents
5/4/2007	JFB	$221.00	1.30	$221.00	1.30	Conference with Henry Frohsin regarding superseding indictment and Motion for Sealed Protective Order; Phone call to Sara Hacker, Judge Johnson's clerk, regarding Motion for Leave to file Document Under Seal; Conference with Carolyn Black regarding organizing information
5/7/2007	JFB	$340.00	2.00	$340.00	2.00	Research and review statutes in superseding indictment; Emails to and from Alex Latifi regarding Army suspension, Emails to and from Alex Latifi regarding various fact witnesses; Review pleadings in government case against Kary Warner; Emails to and from paralegal Carolyn Black regarding same; Conference with Carolyn Black regarding same
5/7/2007	CJB	$84.00	0.80	$84.00	0.80	Conference with Jim Berger; work on review/download/organization of documents related to Kary Warner criminal proceedings
5/8/2007	DME	$317.50	1.50	$317.50	1.50	Received and reviewed of indictment and suspension; discussion with CRJ, review of State department FAR and DFAR penalty and suspension issues.
5/8/2007	CJB	$70.00	0.50	$70.00	0.50	Review court docket; work on review and organization of documents
5/8/2007	JFB	$187.00	1.10	$187.00	1.10	Review suspension letter; Conference with Alex and Henry regarding Suspension and penalties reasons; Conference with Richard Johnston in Washington regarding same; Emails to and from R. Newcomb and Rick Johnston regarding same
5/8/2007	JFB	$340.00	2.00	$340.00	2.00	Conference with Henry Frohsin regarding witness interview and strategy; Telephone call with Henry Frohsin and Alex Latifi regarding same; Phone call to Sharee Pair in Magistrate Green's office regarding scheduling of arraignment; Review Notice regarding arraignment hearing, Review Order regarding Motion for Sealed Protective Order; Forward Motion to U.S. Attorney's office, Phone calls to and from Judge Greene's clerk and Judge Davis's clerk regarding arraignment; Email to Alex regarding same; Phone call with Dag Rawes regarding superseding indictment and status
5/8/2007	HF	$887.50	2.50	$887.50	2.50	Conference with James Berger to work on preparation for discovery and arraignment issues.
5/8/2007	HF	$395.00	1.00	$395.00	1.00	Read and review letter from U.S. Attorney. Telephone call to Rick Johnsen re: same. Conference with James Berger to enlist aid from Washington
5/9/2007	DME	$1,897.50	5.50	$1,897.50	5.50	Discussion with criminal defense lawyers re facts of case; Review of Arms Export Control Act (title 22) and ITAR applicable regulations re suspension and debarment. Conference call re strategy for reply to Army and mitigating factors for use in criminal defense and motion. Prepared issues for suspension letter, reviewed facts and considered export control policy and procedures for company
5/9/2007	HF	$1,501.00	3.80	$1,501.00	3.80	Read and review letter from Army re: suspension. Conference with Jim Berger re: same. Telephone call to Doreen Edelman to discuss ability to finish ongoing projects. Read and review draft letter to Army to suspend proposed suspension
5/9/2007	HF	$197.50	0.50	$197.50	0.50	Motion to unseal investigative report, order denying.
5/9/2007	JFB	$204.00	1.20	$204.00	1.20	Emails to and from Doreen Edelman in Washington, DC regarding the suspension; Conference with Henry Frohsin regarding same. Teleconference with Doreen Edelman regarding same. Emails to and from Rick Johnston regarding same
5/9/2007	CRJ	$630.00	1.20	$630.00	1.20	PC H. Frohsin, J. Berger; reviewed indictment, suspension letter and FAR 9.407; conference DME, email to J Berger; pc to E. Hirschhorn

5/1/2007	DME	$1,887.50	8.50	$1,887.50	5.50	Conversation with Department of the Army re suspension notice; worked on draft reply letter to Army and
5/1/2007	CJB	946.00	0.40	336.00	0.40	research re same Work on notices and organization of documents
5/1/2007	JFB	$1,188.00	1.80	$328.00	1.60	Review and edit Correspondence to Army Suspension and Debarment Official regarding expert letter proceedings; Conference with Henry Pietrzak regarding same; Emails to and from Doreen Edelman regarding same; Phone calls to and from Allan and Barb Lurie regarding same
5/1/2007	CJB	$192.00	0.30	$42.00	0.30	Telephone calls with court reporter Penny Enoch re. obtaining transcript from Kary Warren; plan hearings; work on review and organization of documents
5/1/2007	JFB	$471.00	2.60	$478.00	2.60	Review Order regarding motion to Unseal Status Report; Review Commonwealth's Brief in Response to Motion for Sealed Protective Order; Emails to and from Henry Pietrzak regarding same; Review Order regarding assignment hearing; Email to Allan Lurie regarding same; Review Order regarding petition of counsel; follow-up Conference with Henry Pietrzak regarding same; Email to Doreen Edelman regarding same; Review Order regarding Protective Order
5/1/2007	HF	$231.00	0.80	$207.00	0.80	Telephone call from David Estes re: production and conference with Jim Berger
5/1/2007	DME	$956.00	2.00	$956.00	2.00	worked on Bacuzzi information and BAA; edited draft transmission cover/cover and additional cover for Army letter for tonight's night late letter; worked on completion documents for company
5/1/2007	CJB	$224.00	1.60	$224.00	1.60	Several telephone calls with court reporter Penny Enoch re: obtaining copy of 3/29/06 plan proceedings transcript for Kary Wisnesk; review court docket, pleadings, update pleadings file and index; work on review/organization of file documents
5/1/2007	CRO	$48.30	0.40	$48.00	0.40	Research and draft memo re: criminal proceeding elements; meet with Jim Berger to discuss memo
5/1/2007	CJB	$408.00	2.80	$408.00	2.80	Work on review/organization of documents for 5/15/07 meetings; several telephone calls with court reporter Penny Enoch re: 3/29/06 Kary Warren plan hearing transcript; obtain and review transcript; review/organize/index pleadings concerning Kary Warren corridor proceedings; work on additional preparation for 5/15/07 meetings
5/1/2007	JFB	$1,870.00	11.00	$1,870.00	11.00	Draft Memo regarding witness interviews; Conference with Summer Associate Deb Prevatt regarding facts; Travel to and from Nantucket for witness interviews and assignment; Conduct witness interviews of Noreen Simmons, Jim Rosier, Bob Chandler, and Allan Lurie; Appear at assignment hearing; Review document production from Government; Negotiate with Assistant U.S. Attorney Ann Dalton regarding discovery issues; Review and analyze Department of Defense directives; Update and organize file including client documents and Government discovery documents
5/1/2007	KRO	$294.00	1.70	$294.00	1.70	Research and subpoenas relevant criminal procedure claims; review outstanding indictment; review statutory
5/1/2007	RAP	$1,166.00	13.00	$1,166.00	13.00	challenges for each count
5/1/2007	KRO	$132.00	1.10	$132.00	1.10	Extended assignment in Huntsville
5/1/2007	KRO	$312.00	2.60	$312.00	2.60	Research statutory parallelments for individuals and corporations; discuss assignment with Jim Berger
5/1/2007	KRO	$156.00	1.30	$156.00	1.30	Draft 1 motion for bill of particulars; discuss motion with Jim Berger; email draft to Jim Berger
5/1/2007	HF	$79.00	0.20	$79.00	0.20	Draft motion for discovery
5/1/2007	DME	$172.50	0.50	$172.50	0.50	Read and review motion for bill of particulars. Review and edit Rule 16 discovery. Telephone call to J. R. Brooks. Review of materials, discussion with Army legal office
5/16/2007	HF	$308.50	2.30	$308.50	2.30	Draft Rules to discuss Karen Wisnesk review transcript of Warren plea.
5/16/2007	DME	$1,275.00	5.00	$1,275.00	5.00	Review and edit Rule 16 discovery. Telephone call to J. R. Brooks. Review of materials, discussion with Army

5/16/2007	CJB	$84.00	0.60	$84.00	0.60	Review and organize production from Government; email to Jim Barger re: missing or withheld documents from server; telephone call to court reporter re: hearing transcript from Kary Warren arraignment hearing
5/17/2007	KRG	$304.00	4.20	$304.00	4.20	Draft request for discovery; email draft to Jim Barger
5/17/2007	CJB	$42.00	0.30	$42.00	0.30	Review court docket, pleadings, update pleadings files and index
5/17/2007	HF	$434.50	1.10	$434.50	1.10	Telephone call to Doug Rowe re: superseding indictment and arraignment. Review motion for bill of particulars Conference with Jim Barger to review
5/18/2007	JFB	$1,190.00	7.00	$1,190.00	7.00	Draft and edit Motion for Bill of Particulars, Research regarding same, Draft and edit Motion for Discovery; Research regarding same; Conference with Henry Frohsin regarding same; Prepare both motions for filing; Review filed copies of motions
5/21/2007	JFB	$102.00	0.60	$102.00	0.60	Conference with Henry Frohsin regarding representation of Kary Warren; Review voice mail from Warren's attorney regarding same; Phone conference with Henry Frohsin and Doug Rowe regarding same
5/21/2007	DME	$443.50	1.30	$443.50	1.30	Discussions with Army suspension officers, reviewed compliance issues and important next steps to show compliance; worked on documents re same.
5/21/2007	KRG	$312.00	2.60	$312.00	2.60	Research/analyze possible sentence ranges from the Sentencing Guidelines; email spreadsheet, results and summary to Jim Barger
5/22/2007	CJB	$36.00	0.40	$36.00	0.40	Review court docket, recently filed pleadings, update pleadings files, work on organization of documents from hearing
5/22/2007	HF	$385.00	1.00	$385.00	1.00	Conference with Jim Barger re: status; telephone call to Doug Rowe re: Kary Warren; review representation issue with Jim Barger
5/22/2007	KRG	$180.00	1.80	$180.00	1.80	Draft criminal procedure outline/spreadsheet
5/22/2007	JFB	$272.00	1.60	$272.00	1.60	Review and analyze email and memo from Kevin Gerbon regarding sentencing guidelines; Research regarding same
5/23/2007	BKP	$825.00	4.40	$825.00	4.40	Researched requirement of Prosecution's consent to waiver of jury trial
5/23/2007	DME	$585.50	1.70	$585.50	1.70	Correspondence with Barger; research re technical drawing incidental issue
5/23/2007	HF	$197.50	0.50	$197.50	0.50	Read and review letter to Cecilia Pope.
5/23/2007	KRG	$72.00	0.80	$72.00	0.80	Research & summarize pre-trial criminal procedure options
5/24/2007	BKP	$968.00	4.90	$968.00	4.90	Drafted memo re: requirement of government consent for a defendant to waive his right to a jury trial
5/29/2007	DME	$1,207.50	3.50	$1,207.50	3.50	Research with contacts at Defense Intelligence University re intern issues at State Department; follow up with Berger; revised communication to Army; researched incidental issue relation to drawing and Munitions list;
5/30/2007	CJB	$70.00	0.50	$70.00	0.50	Emails with Jim Barger re: response to Aiden suspension letter from Department of Army; review of correspondence from Department of Army re: same; telephone call to federal court reporter re: Kary Warren arraignment hearing transcript from 2008
5/30/2007	JFB	$136.00	0.80	$136.00	0.80	Emails to and from Darsen and Henry regarding suspension. Emails to and from Carolyn Black regarding same Telephone conference with Henry Frohsin regarding same
5/31/2007	DME	$276.00	0.80	$276.00	0.80	Follow up with State Department incidental research.
5/31/2007	HF	$197.50	0.50	$197.50	0.50	Read and review government protective order motion

						Work on review of supplemental Government production CD; review recently filed pleadings; organization
6/4/2007	CJB	$271.00	1.50	$210.00	1.50	pleadings file and index; review/organize additional client documents in preparation for pre-trial meeting
6/4/2007	HSF	$91.50	0.10	$36.50	0.10	Read and review notices and responses.
6/4/2007	CJB	$87.00	0.50	$87.00	0.50	Work on review/analysis of supplemental Government production CD from 9/01 work on classification/production of
						items for further review by Henry Furtado and Jim Berger.
						Phone call to Doreen Edelman regarding possible exception to Export Control Law; Review and analyze
						summary documents provided by Government; Review and analyze Government's responses in relation to Bill of
						Particulars and Letter for Discovery; Conference with Henry Furtado regarding same and preparation for pre-trial
						conference; Email from Marc Huff regarding return of Adler documents; Review Government delivery documents
						and exhibit description regarding same; Phone call from Marc Huff regarding same; Prepare for Pre-Trial
6/4/2007	JFB	$616.00	3.50	$525.00	3.50	Conference
						Draft letters regarding pre-trial conference; Research regarding same; Research regarding specific counts of
						indictment; Review documents and prepare for pre-trial conference; Attend pre-trial conference; Meeting with
						assistant U.S. Attorney David Estes after indictment; Conference with Carolyn Black regarding government
						production of documents; Conference with Dick Powers regarding Government Discovery; Assistance; Conference
6/4/2007	JFB	$792.10	4.60	$782.00	4.60	with Henry Furtado regarding pretrial conference and meeting with David Estes
						Prepare and attend/review at Pre-trial conference; Conference with Jim Berger and David Estes. Review
6/5/2007	HSF	$1,875.00	5.00	$1,875.00	5.00	indictment for bill of particulars; prepare and discuss with Jim Berger
6/5/2007	HSF	$187.50	0.50	$187.50	0.50	Telephone conference with Doreen Edelman re: export control act.
						Review government discovery documents; Conference with Henry Furtado and Dick Powers regarding
						Government discovery notebook; Teleconference with Henry Furtado and Doreen Edelman regarding same.
6/6/2007	JFB	$931.00	3.00	$810.00	3.00	Review notes on Government Discovery Notebook
6/6/2007	HSF	$1,185.00	3.00	$1,185.00	3.00	Review government discovery documents with Jim Berger. Dick Powers.
6/6/2007	HSF	$396.00	1.00	$396.00	1.00	Read and review email letter from Kirby Kiefer/Jim Berger. Discussion with client, Jim Berger and DE.
6/6/2007	HSF	$187.50	0.50	$187.50	0.50	Telephone call to Doreen Edelman re: export control regulations re: prosthetics.
						Prep for motion in limine hrg. Telephone call to Dick Powers and Allen Gross and corresponding with same.
						Telephone call to Doreen Edelman re: Mandatory Analysis; email re: same. Email from Doreen Edelman re:
6/7/2007	HSF	$633.00	1.70	$552.50	1.70	government hand; Hsf
						Continue preparation of documents for HSF and client meetings; attend meeting with Allen Lieff, Beth Lieff,
						Henrie Ivy; Additional research re: Henry Gibson; further conference with Allen and Beth Lieff re: additional
6/8/2007	CJB	$770.00	5.50	$770.00	5.50	information needed
						Conference with Jim Berger re: information received from 5/8 client meeting; further conference with Jim Berger,
						Henry Furtado, DEA Powers re: same; Discovery issues; work on drafting draft representation of document review
						with client responses; telephone call with Beth Lieff re: Department of Army subpoena letter response;
						review/analyze Government Discovery notebook at U.S. Attorney's office; review/review additional pleadings;
6/11/2007	CJB	$784.00	5.60	$784.00	5.60	locate pleadings file and index; further review of Prosecution Order entered by court re: Government document
						production issues
6/11/2007	HSF	$1,901.00	5.40	$1,901.00	5.40	Telephone call to Craig Powers re: Certified Prosecution Declaration of counsel; telephone call to Phil Adams re: motion in limine ethics opinion. Conference with Carolyn Black re: organize file and prepare for e-mail review. Work file.

6/11/2007	JFB	$1,071.00	6.30	$1,071.00	6.30	Conference with Carolyn Black regarding fact-finding session with Ledfa, Conference with Henry Frohsin, Dick Powers, and Carolyn Black regarding same and regarding discovery; plan, Review and analyze memo regarding review of jury; Phone calls to David Estes and Greg Knight in U.S. Attorney's office regarding review of discovery notebook and requests for additional documents, Review and analyze Government's discovery notebook at U.S. Attorney's Office, Conference with Henry Frohsin and Dick Powers regarding same; Review Protective Order
6/12/2007	HIF	$1,106.00	2.80	$1,106.00	2.80	File study and review documents.
6/12/2007	CJB	$924.00	6.60	$924.00	6.60	Review/analyze Government Discovery Notebook at U.S. Attorney's office, conference with Jim Barger, Henry Frohsin re: same; review documents and drafting of cast of characters for discovery and witness interview purposes, work on additional glossary of key terms re: same; work on review of 6/11 CD of Government email production, review/organize additional research materials, work on research re: Sibonsky/Bar issues
6/13/2007	JFB	$969.00	5.70	$969.00	5.70	Review and analyze Government Discovery Notebook at United States Attorney's Office, Conferences with Henry Frohsin and Carolyn Black regarding same, Phone calls to and from Legal support regarding receiving the Government Discovery Notebook from dictation tapes
6/13/2007	DCH	$264.00	1.20	$264.00	1.20	Receipt and review of memo from Dick Powers, summer associate, re charges and elements and analysis of available defenses, conference with Dick Powers re proposed revisions to same
6/13/2007	CJB	$644.00	4.60	$644.00	4.60	Work on review of CD with supplemental Government production, work on drafting of cast of characters and glossary of terms, several conferences with Jim Barger re: production issues
6/13/2007	JFB	$595.00	3.50	$595.00	3.50	Conference with Henry Frohsin regarding litigation strategy and discovery planning, Review and organize government document production; Begin drafting timeline; Conference with Henry Frohsin regarding telephone conversation with Dag Powe regarding Wurzen
6/14/2007	HIF	$1,501.00	3.80	$1,501.00	3.80	Review file and government notebook.
6/14/2007	CJB	$434.00	3.10	$434.00	3.10	Work on review of pleadings and drafting of issues statements; work on drafting cast of characters; review invoices provided by client re: Tungsten Product Invoices, work on review of CD of Government production
6/14/2007	JFB	$255.00	1.50	$255.00	1.50	Research regarding affirmative defenses, Conference with Dick Powers regarding same
6/15/2007	CJB	$504.00	3.60	$504.00	3.60	Work on update and drafting of cast of characters with information obtained from Government Discovery Notebook; telephone calls with Alex Lasfi, Beth Lasfi re: document review status, work on review/organization of Government production, work on review of 6/11 CD of Government email production
6/15/2007	JFB	$289.00	1.70	$289.00	1.70	Research regarding affirmative defenses, Conference with Dick Powers regarding same
6/15/2007	HIF	$79.00	0.20	$79.00	0.20	Letter from Army re: suspension. Email to Doreen Edelman and client.
6/18/2007	CJB	$714.00	5.10	$714.00	5.10	Numerous conferences with Jim Barger re: Government Discovery Notebook and additional Government discovery issues, work on updating cast of characters, issues spreadsheet; telephone call with client re: status of review of Government production, review status of Kay Warren proceedings; work on review and editing of Government Discovery Notebook summary
6/18/2007	HIF	$1,185.00	3.00	$1,185.00	3.00	Various telephone conference with US attorneys and conference with Jim Barger re: Pickrod, Marquez.
6/19/2007	JFB	$357.00	5.10	$357.00	5.10	Review Government Discovery Notebook at U.S. Attorney's Office, Conference with Henry Frohsin regarding same, Telephone call with Assistant U.S. Attorney David Estes regarding government discovery and regarding facts, Review documents and prepare for client meeting

					Review/analyze Government Discovery Notebook at U.S. Attorney's office; review and edit draft description of same; attend lengthy telephone conference with U.S. Attorney David Estes re. Government email production; conference with Jim Berger re same; review of Government production for information regarding Paul Affolter	
6/18/2007	C/B	9818.00	4.70	$668.00	4.70	Tele. work on review/redacting of cast of characters
						Conference with Alex Lash to review government document production. Review and organize documents
6/20/2007	JFB	$1,116.00	8.80	$1,100.00	8.80	regarding same. Phone calls to Henry Frohlich regarding same.
						Work on review/redacting of Government Discovery notebook summary; work on cast of characters; issues for
6/21/2007	C/B	$119.00	1.40	$196.00	1.40	timeline
						Review and edit Manny regarding affirmative defenses. Email to Dick Powers regarding same. Review government
						document production; Continue drafting timeline of events. Phone call with Henry Frohlich regarding key
						documents, witness investigation, and client conference. Phone call with Dag Rowe regarding status, strategy,
6/21/2007	JFB	$504.00	4.00	$560.00	4.00	and Mary Warren situation
						Work on review/redacting of Government Discovery Notebook summary and updating/adding of cast of characters
6/22/2007	C/B	$462.00	3.30	$462.00	3.30	review/organize additional client documents
						Review government document production and continue constructing timeline; Research regarding Stace
6/22/2007	JFB	$561.00	3.30	$561.00	3.30	Department directive re Export Control
						Review documents and continue preparing timeline. Conference with Henry Frohlich regarding same. Conference
6/19/2007	JFB	$544.35	3.20	$544.00	3.20	with Carolyn Black regarding same. Phone call to Dag Rowe regarding same and regarding Warren
						work on analysis of Government Discovery Notebook and drafting of cast of characters, issues statements.
6/25/2007	C/B	$489.10	3.80	$190.00	3.80	with rescue with Jim Berger re same
						Review documents and construct timeline; Email to Alex Lash regarding investigation of Beth Lamey; Phone call
6/26/2007	JFB	$850.65	6.00	$850.00	5.00	to Carolyn Black regarding same; Prepare for interview with Henry Stolcraft
						Review docs court docket and download docket; pleadings re Beth Lamey criminal proceedings; review Jim
						Berger timeline notes and preparation and finding of timeline with annotated issues; preview draft report for Jim
						Berger meeting with Henry Stolcraft; work on analysis of Government Discovery Notebook re: updating of cast of
6/26/2007	C/B	$568.00	4.20	$588.00	4.20	characters, fact issue
						Interview of Henry Stolcraft; Travel to and from Atlanta for Interview; Phone calls to and from Alex and Beth Lash
6/27/2007	JFB	$2,040.00	12.00	$2,040.00	12.00	regarding same and regarding Count 2
						Work on review and analysis of Government Discovery Notebook; Jim Berger notes and preparation of cast of
6/27/2007	C/B	$392.00	2.80	$392.00	2.80	characters, facts statements for timeline
						Conference with Henry Frohlich regarding interview with Henry Stolcraft; Review and organize notes regarding
6/28/2007	JFB	$272.00	1.60	$272.00	1.60	same; Review and edit Reply/Sur-reply
						Analyze Government Discovery Notebook and preparation, editing of timelines, cast of characters, work on
6/28/2007	C/B	$504.00	3.60	$504.00	3.60	obtaining additional criminal court documents on Beth Lamey proceedings
						Review of supplemental Government CD production from SOX re additional facts, cast of characters, edit
						timeline; telephone call to Madison County clerk re obtaining pleadings on Beth Lamey criminal proceedings;
						work on analysis of Government Discovery Notebook re additional information for cast of characters, facts
6/29/2007	C/B	$308.00	2.20	$308.00	2.20	statements for timeline
7/2/2007	HF	$1,342.50	3.60	$1,342.50	3.60	Review documents and notebook.

7/2/2007	CJB	$252.00	1.80	$252.00	1.80	Telephone call to Madison County clerk re. attempt to obtain additional criminal records on Beth Lemay proceedings; work on review of Government Production CD from 3/21 and editing of cast of characters, facts statemental timeline
7/5/2007	HIF	$987.50	2.50	$987.50	2.50	Telephone call from Doreen Edelman (voice message), review trial notebook and timeline
7/6/2007	HIF	$1,801.00	3.80	$1,801.00	3.80	Conference with Jim Berger re: client conference, telephone call to Alex Leith. Review timelines and associated documents
7/9/2007	JFB	$425.00	2.50	$425.00	2.50	Conference with Henry Frohsin regarding trial preparation. Conference with Carolyn Black regarding same. Draft Motion for Bench Trial and Waiver of Right to Jury Trial; Edit same
7/9/2007	CJB	$42.00	0.30	$42.00	0.30	Conference with Jim Berger re: trial preparation
7/10/2007	JFB	$442.00	2.60	$442.00	2.60	Draft Motion for Bench Trial and Waiver of Jury Trial; Edit Same; Conference with Henry Frohsin regarding same and regarding trial strategy; Phone call to fact witness William Marquis, Email to assistant United States Attorney David Estes regarding same
7/10/2007	CJB	$84.00	0.60	$84.00	0.60	Several telephone calls to Madison county court clerk re: Beth Lemay records, review docket from Beth Lemay proceedings re. status; review Kary Warren criminal docket re: status
7/11/2007	HIF	$2,370.00	6.00	$2,370.00	6.00	File study in preparation for client conference. Meet with Alex Leith, Jim Berger to review trial issues.
7/11/2007	JFB	$867.00	4.10	$867.00	4.10	Phone calls to Dag Rowe regarding interview with Bill Marquis and update on Kary Warren; Emails to and from U.S. Attorney's office regarding interview with Bill Marquis; Emails to and from Bill Marquis regarding same; Review Order rescheduling pre-trial conference. Phone calls to Kary Warren's attorney Cecelia Pope regarding status; Conference with Henry Frohsin and Alex Leith regarding trial strategy and planning
7/11/2007	CJB	$210.00	1.00	$210.00	1.90	Conference with Jim Berger re: issues statement on summary report; review indictment and edit issues statement on same, prepare for client meeting; additional conference with Jim Berger re: trial preparation
7/12/2007	HIF	$711.00	1.80	$711.00	1.80	Read and review motion for beach trial. Conference with Jim Berger; telephone call to Doreen Edelman (voice message). Read and review tolling agreement from Lloyd Peebles, conference with Carolyn Black re: update of trial notebook.
7/12/2007	CJB	$336.00	2.40	$336.00	2.40	Re-view court docket, pleadings filed; update pleadings files and video; check status of Kary Warren proceedings; conference with Henry Frohsin, work on review, editing of Government Discovery notebook
7/12/2007	JFB	$136.00	0.80	$136.00	0.80	Review Government document production
7/13/2007	JFB	$51.00	0.30	$51.00	0.30	Conference with Henry Frohsin regarding status and strategy
7/13/2007	CJB	$360.00	2.58	$360.00	2.50	Review/analyze Government Discovery Notebook documents and prepare index of documents for Henry Frohsin
7/17/2007	JFB	$459.00	2.70	$459.00	2.70	Prepare for Interviews of Bill Marquis and Bob Chandler; Conference with Henry Frohsin regarding same; Travel regarding same; Phone call from Bill Marquis regarding rescheduling interview; Phone call to Beth Leith regarding same
7/17/2007	HIF	$1,580.00	4.00	$1,580.00	4.00	Study file.
7/18/2007	HIF	$1,896.00	4.80	$1,896.00	4.80	Study file

					Phone call from Cecelia Page regarding Kary Warner; Conference with Henry Frohsin regarding same; Phone call with Henry Frohsin and Dag Rowe regarding same; Phone call with Henry Frohsin and Alex Lasik regarding same; Phone call to Bob Chandler regarding COC submittal in FAT of mock absorber assembly; Phone call to assistant United States Attorney Ana Dibos regarding FAT for shock absorber assembly; Phone call to Doreen Ederheim
7/16/2007 JFB	5340.00	2.	6340.00	2.00	regarding possibility of restriction on rebuttal testimony for conference Emails to and from Doreen Ederheim regarding possible revisions to government by no back to restriction of
7/16/2007 JFB	$17.00	0.10	$17.00	0.10	contract Telephone call to Alex Lasik re: FAT report; Telephone call to Dag Rowe re: Karen Warner; Review prior notebook
7/19/2007 HSF	-$2,014.50	5.10	-$2,014.50	5.10	and witness statements; Conference with Jim Berger, Carolyn Black re: same
7/20/2007 HSF	$1,027.00	2.60	$1,027.00	2.60	Read and review order granting bench trial; Study file
7/20/2007 MSF	$790.00	2.00	$790.00	2.00	Conference with Jim Berger re: evidentiary transfers; file study; telephone call to Dag Rowe re: status
7/20/2007 CJB	$193.00	1.30	$193.00	1.30	Review letter contract; email to Doreen Ederheim re: same; work on review of CD Government Production Review trial notebook; Telephone call to and from dictated re: settlement of civil case; Telephone call to and from
7/24/2007 MSF	$1,185.00	3.00	$1,185.00	3.00	Dag Rowe re: same
7/24/2007 CJB	$70.00	0.50	$70.00	0.50	Review of pleadings filed, court docket; update criminal pleadings Review of Kary Wilsmen documents and preparation for meeting with Henry Frohsin and Jim Berger re: trial
7/24/2007 CJB	$774.00	4.10	$774.00	4.10	strategy; meeting with Mr. Frohsin and Mr. Berger
7/25/2007 JFB	$812.00	3.80	$812.00	3.80	Review documents regarding Kary Warner; Conference with Henry Frohsin and Carolyn Black regarding same; Telephone call to Dag Rowe (x 2) to discuss ineffective counsel; Popp, of Warner; Telephone call to Judge
7/25/2007 MSF	$1,520.00	4.00	$1,360.00	4.00	Harwood to discuss same; Conference with Jim Berger to review case status; study file Review First Article Test Report from Government; work on refining Government Discovery notebook index to
7/26/2007 CJB	$441.00	3.20	$441.00	3.20	include dates; conference re: Kary Warner issues; coordinate review of Government Discovery CD inserts; work on analysis of Kary Warners interviews for merits of contradicting testimony Conference with Henry Frohsin, Dag Rowe, and Mark Huff regarding Kary Warner Plea Agreement; Phone call with Mark Huff regarding FAT report for shock absorber assembly; Emails to and from Mark Huff regarding same; Email from Rich Raleigh regarding settlement of Nammet lawsuit; Review settlement documents regarding effect
7/26/2007 JFB	$253.00	1.60	$253.00	1.60	on criminal case Four telephone conferences with Dag Rowe re: Warner issues; File study; document review; Shock absorber
7/26/2007 HSF	$1,777.50	4.80	$1,777.50	4.80	FATR review Prepare for 7/30/07 attorney review of Government CD production; work on review/analysis of Kary Warner
7/27/2007 CJB	$112.10	0.80	$112.00	0.80	interviews with government re: discrepancies Review government document production; Conferences with Henry Frohsin and Carolyn Black regarding same;
7/30/2007 JFB	$629.00	3.70	$629.00	3.70	Phone call with Henry Frohsin and Dag Rowe regarding Count 3 of indictment Meet with Henry Frohsin and Jim Berger to review CD of Government production; work on dissemination of facilities
7/30/2007 CJB	$677.50	4.50	$677.50	4.50	for client review; review file re: search warrants issued

7/30/2007	KIF	$1,975.00	5.00	$1,975.00	5.00	Telephone call to Dag Rowe; telephone call from Dag Rowe. Telephone call to Alex Lalli re: Kary Warren status; review email discussion. Conference with Jim Berger and Carolyn Black re. review of hard drive. Telephone call from Judge Greene re: October setting.
7/31/2007	CJB	$308.00	2.20	$308.00	2.20	Review Government CD production; conference with Henry Frohsin re: same; telephone call to Alex Lalli to re-schedule meeting; review order setting trial.
7/31/2007	JFB	$34.00	0.20	$34.00	0.20	Review order setting Trial Calendar same
7/31/2007	KIF	$39.50	0.10	$39.50	0.10	Order setting case for trial.
8/1/2007	CJB	$224.00	1.60	$224.00	1.60	Conference with Henry Frohsin, Jim Berger re: strategy; work on coordination for 8/6/07 client meeting; work on review of Government CD production
8/1/2007	JFB	$17.00	0.10	$17.00	0.10	Conference with Henry Frohsin and Carolyn Black regarding document review
8/2/2007	CJB	$210.00	1.50	$210.00	1.50	Review court docket; update pleadings filed; review Government Discovery Notebook and edit Index to include date entries
8/2/2007	JFB	$425.00	2.50	$425.00	2.50	Review NPR story on DOJ push for Export Control cases. Emails regarding same, Research regarding possible motions to dismiss. Review documents regarding same
8/3/2007	CJB	$168.00	1.20	$168.00	1.20	Telephone call with client to confirm 8/6/07 meeting; several emails with Henry Frohsin, Jim Berger re: same, work on additional coordination issues pertaining to 8/6/07 meeting; review/organize additional documents produced by Government
8/3/2007	JFB	$17.00	0.10	$17.00	0.10	Emails to and from Carolyn Black regarding conference with Alex Lalli to review government document production
8/6/2007	CJB	$770.00	5.50	$770.00	5.50	Prepare for client meeting to review documents produced by Government; several conferences with client re: review of document production by Government; review additional documents forwarded by Assistant U. S Attorney David Estes, preparation for next day of client document review; review notes prepared by client re: document review
8/6/2007	JFB	$1,020.00	6.00	$1,020.00	6.00	Phone calls from AUSA David Estes regarding facts and theories of Indictment; Conferences with Alex Lalli and Henry Frohsin regarding sec.vs. Review documents regarding same
8/6/2007	KIF	$1,382.50	3.50	$1,382.50	3.50	Conference with client to review documents. Telephone call to Dag Rowe re Warren. Telephone call to Sandile for Bob Chandler's statement. Review documents with client.
8/7/2007	CJB	$686.00	4.90	$686.00	4.90	Preparation for client document review of CD Government production; several conferences with client re Government document review issues, specific documents located for strategy; acquire research on Joseph Ferranti; work on editing cast of characters; coordinate preparation of word Index for Government Discovery Notebook
8/7/2007	JFB	$1,309.00	7.70	$1,309.00	7.70	Phone call from Alex Lalli regarding Count Two. Conference with Alex Lalli and Henry Frohsin regarding same and regarding document review
8/7/2007	KIF	$1,580.00	4.00	$1,580.00	4.00	Telephone call to Joe Ferranti to arrange witness interview. Conference with Jim Berger and Carolyn Black re: Debig and Marcuss interviews. Notebook study for trial. Fax from Mark Sandlin with notes from Bob Chandler telephone call to Dag Rowe re: same.
8/8/2007	KIF	$1,777.50	4.50	$1,777.50	4.50	Prepare for witness interviews and filed study

						Conference with Henry Frohsin re: witness interviews for 8/9/07; telephone call with Dag Rowe's office re: same. Account research re: William Marcuse; further discussions with Henry Frohsin re: materials needed for 8/9/07 witness interviews; review/analyze Government Discovery Notebook; collect documents and prepare memo to Henry Frohsin with summary of witness information and bullet points of items to cover with potential witnesses for use at interviews; review documents and compilation/organization of documents for use at witness interviews; work on notes of key names for Government Discovery Notebook; edit cost of characters; edit final statements on
8/6/2007	CJB	$9.12.00	0.80	$952.00	0.80	summary document; email to Joseph Ferraris re: information for 8/9/07 witness interview
8/6/2007	JFB	$6.0.00	4.00	$680.00	4.00	Interview in Huntsville with Joe Ferraris and Henry Frohsin regarding supply of blank for their article; Travel to and from Huntsville for same
8/6/2007	HF	$3,110.00	8.00	$3,180.00	8.00	Interview with Messrs. Joe Ferraris and Jerry Oubre; Conference with Dag Rowe; 2 hr ltrs to and from Huntsville; Work on word index for Government Discovery Notebook; review production and forward additional documents to Jim Berger and Henry Frohsin for witness interviews; edit cost of characters; work on review/labelling key
8/6/2007	CJB	$539.00	2.40	$306.00	2.40	documents
8/10/2007	CJB	$360.00	3.20	$304.00	2.20	Work on review/organization/labelling of key documents; work on index of key terms for Government Discovery Notebook; check status of Mary Warren criminal proceedings
8/10/2007	HF	$71.00	0.20	$76.00	0.20	Telephone call to and from Joe Ferraris re: availability for trial
8/13/2007	CJB	$231.00	1.70	$238.00	1.70	Work on index of key terms from Government Discovery Notebook; work on review/compilation of documents for witness folders
8/13/2007	JFB	$345.00	2.00	$340.00	2.00	Phone call with Prof. Pam Perry regarding Motion to Dismiss; Conference with Henry Frohsin regarding same; Phone calls to and from Henry Frohsin regarding calling agreement; Phone calls to and from Carolyn Black regarding same
8/14/2007	CJB	$384.00	2.80	$364.00	2.80	Review client notes from document review; review Beth Lamey docket on criminal proceedings; download documents from same to witness folders; edit cost of characters; facts statements on summary document
8/16/2007	CJB	$70.00	0.50	$70.00	0.50	Project witness folds for Chandler, Lamey, Marquis, Warren, Ferraro Review documents and supplement witness folders for Lamey, Warren; work on index of key terms for Government Discovery Notebook
8/17/2007	HF	$780.00	2.00	$780.00	2.00	Conference with Allen Lastfi to review hearing documents.
8/17/2007	CJB	$42.30	0.30	$42.00	0.30	Conference with client to review documentation concerning shock absorber control issues
8/20/2007	HF	$368.10	1.05	$336.00	1.00	Conference with Jim Berger, Carolyn Black to review correct 002 and Shock Absorber notebook. Conference with Henry Frohsin and Carolyn Black regarding shock absorber contract; Research regarding Motion
8/20/2007	JFB	$238.10	1.40	$238.00	1.40	to Dismiss; Conference with Carolyn Black regarding organizing client information Work on index of key terms for Government Discovery Notebook; conference with Henry Frohsin, Jim Berger re
8/20/2007	CJB	$368.10	2.20	$308.00	2.20	victim, Mel Isaacs; edit cost of characters; email to client with index of key terms
8/21/2007	HF	$367.50	2.50	$367.50	2.50	Conference with Jim Berger re: victims. Conference with Jim Berger re: witness lists; review latest backup documentation to client's Edit interview of Jerry Oubre; edit interview of Joe Ferraris; review; letter letter backup documentation to client's timeline concerning shock absorber contract; work on review/analysis of backup documentation concerning shock
8/21/2007	CJB	$476.01	2.80	$466.00	2.80	absorber contract; edit and cross-reference items with client timeline
8/22/2007	HF	$1,185.01	3.00	$1,185.00	3.00	Telephone call to Dag Rowe re: case status and inquiry re: Mary Warren, Molly Ilk. Conference with Jim Berger re: letter to state bar. Edit letter to Tony McClain.
8/23/2007	HF	$1,185.01	2.80	$1,106.00	2.80	File study and indictment analysis.

8/24/2007	JFB	$340.00	2.00	$340.00	2.00	Draft Correspondence to Alabama Bar Association Office of General Counsel requesting advisory opinion regarding Kary Warren situation; Conferences with Henry Frohsin regarding same and regarding Motion to Dismiss
8/27/2007	JFB	$425.00	2.50	$425.00	2.50	Research and Draft Motion to Dismiss
8/27/2007	HIF	$1,185.00	3.00	$1,185.00	3.00	Study file.
8/29/2007	HIF	$39.50	0.10	$39.50	0.10	Review final letter to Tony McClain.
8/31/2007	CJB	$128.00	0.80	$128.00	0.80	Work on updating fact, issues statements, cast of characters with information received by client re. shock absorber contract issues, review superceding indictment re same, review/organize additional documents
9/3/2007	JFB	$1,326.00	7.80	$1,326.00	7.80	Research, draft, and edit Motion to Dismiss Counts One and Six
9/4/2007	CJB	$348.00	3.90	$348.00	3.90	work on review/analysis of documents provided by client, timeline from client and work on issues for case summary, review documents and supplement Jim Berger working binder; discussion with Jim Berger re. trial preparation
9/4/2007	JFB	$340.00	2.00	$340.00	2.00	Draft and edit Motion to Dismiss. Research regarding same
9/5/2007	CJB	$616.00	4.40	$616.00	4.40	Work on review/analysis of documents provided by client, timeline from client re: development of fact issues and inclusion into timeline for case summary (shock absorber contract); supplement Henry Frohsin working binder with additional information; work on Kary Warren interview analysis
9/5/2007	Notes	$136.00	0.80	$136.00	0.80	Reviewed the motion to dismiss counts one and six
9/5/2007	HTI	$230.00	1.00	$230.00	1.00	Reading, suggesting revisions to motion to dismiss portions of Indictment. Conference with Jim Berger regarding my suggestions and questions.
9/5/2007	JFB	$952.00	5.60	$952.00	5.60	Draft and Edit Motion to Dismiss, Research regarding same. Conference with Harriet Ivy regarding same; Emails to and from Vincent Nolan regarding same
9/6/2007	CJB	$384.00	2.80	$384.00	2.80	Trial preparation including organization of documents, review opinion from Alabama State Bar re: Kary Warren issues
9/6/2007	JFB	$680.00	4.00	$680.00	4.00	Review Advisory Opinion from Alabama State Bar regarding Kary Warren situation, Emails to Henry Frohsin regarding same, Email to Henry Frohsin regarding trial plan; Review and analyze caselaw regarding Arms Export Control Act
9/7/2007	AMG	$54.00	0.40	$54.00	0.40	Conference with attorney James F. Barger, Jr. and paralegal Carolyn Black regarding case status and trial preparation; receipt of case summary and key pleadings/documents
9/7/2007	CJB	$924.00	6.60	$924.00	6.60	Conference with Jim Berger re: exhibits to include with motion to dismiss, review documents and compilation/preparation of exhibits; telephone calls with Alex and Beth Latifi re: original solicitation for billet weight assembly; Internet research to obtain samples of public billet weight assembly drawings to include as exhibit to motion to dismiss, trial preparation to include coordination of war room, review /organization of documents; further telephone conference with Alex Latifi and Jim Barger re: additional documentation to attach as exhibit to motion to dismiss, review/preparation of additional documentation from Alex Latifi re: same
9/7/2007	JFB	$1,343.00	7.90	$1,343.00	7.90	Edit Motion to Dismiss, Phone calls to and from Henry Frohsin regarding same; Review Protective Order regarding filing of drawings into evidence, Phone calls to and from court helpdesk regarding filing motion under seal; Draft and file Motion for Leave to file Document Under Seal; Conferences with Carolyn Black regarding preparation of exhibits for Motion to Dismiss, Review exhibits. Phone calls to Alex Latifi regarding availability of billets for purchase, Fax from Alex Latifi regarding same, Prepare trial war room and organize documents Conference with paralegal Angelle Garcia regarding same

9/6/2007	CJB	$260.00	2.00	$260.00	2.00	Review docket and pleadings, update pleadings file and index; work on further preparation of exhibits for motion to dismiss, email to Jim Barger re: electronic copy of exhibits for pending motion to seal
9/10/2007	AMG	$668.50	5.10	$668.50	5.10	Coordinate initial war room setup for trial preparation with legal runners; meetings with attorneys Henry I Frohsin and James F. Barger and paralegal Carolyn Black to begin trial preparations
9/10/2007	CJB	$1,664.00	7.60	$1,664.00	7.60	Work on supplementing exhibits re: motion to dismiss, assist with finalizing and filing same; meetings with Henry Frohsin, Jim Barger, Angela Garcia re: trial preparation, prepare spreadsheet of individuals to interview with brief synopsis of role in litigation
9/10/2007	HF	$2,172.50	5.50	$2,172.50	5.50	Conference with Jim Barger, Carolyn Black to organize trial documents and witness order, etc. Email from Alan Latifi re: pre-award survey. Review and revise motion to dismiss.
9/10/2007	JFB	$1,241.00	7.30	$1,241.00	7.30	Conference with trial team; Review documents and prepare for trial
9/11/2007	AMG	$702.00	5.20	$702.00	5.20	Create electronic file of Rule 16, forward same to attorneys, receipt of witness list from paralegal Carolyn Black; conferences with same; continue trial preparation, including research on witnesses and creation of reports; status meeting with Ms. Black; continue research on witnesses and creation of reports/bio folders
9/11/2007	CJB	$1,050.00	7.50	$1,050.00	7.50	Review notes from trial strategy meeting and prepare task/assignments list for trial team; account/internet research on additional individuals to interview; discussion with Henry Frohsin re: same; edit interview spreadsheet with information obtained from research; Secretary of State, account research to obtain information on Eco-Tungsten Trading Company; review additional information from Joe Ferrante; conference with Angela Garcia re: trial preparation
9/11/2007	HJF	$1,196.00	4.60	$1,196.00	4.60	Receive interview list; working on trial preparation. Review Rule 16 issues; File motion to dismiss.
9/11/2007	JFB	$34.00	0.20	$34.00	0.20	Emails to and from Carolyn Black regarding witness interviews and trial plan
9/12/2007	LAH	$195.00	1.50	$195.00	1.50	Installation of CaseMap, training on CaseMap for Carolyn Black and Angelle Garcia, corrected database to enable users to search properly
9/12/2007	AMG	$273.50	2.10	$273.50	2.10	Review of emails from paralegal Carolyn Black regarding progress of research; update letter; continue trial preparation
9/12/2007	CJB	$832.00	5.90	$832.00	5.90	Conference with Henry Frohsin re: telephone interview of Earnestine Patterson; work on research to obtain additional contact information for additional witness interviews; several telephone calls with Beth Latifi re: assistance with location information on additional individuals to interview; work on organization of documents for witness folders, status meeting with Angelle Garcia; work on preparation of sample witness file for trial; edit task/assignments list for trial preparation
9/13/2007	LAB	$174.00	1.20	$174.00	1.20	Review materials on Cherokee Advanced Systems, Ernestine Patterson and Ecotungsten Trading Co; search Alabama and California secretary of state website for information on both companies, order copy of incorporation documents on Cherokee Advanced Systems
9/13/2007	CJB	$844.00	4.60	$844.00	4.60	Review/organize/update pleadings; review/download current docket; edit cast of characters, index of key players; trial preparation; review and forward information to Laurel Swope re: corporate research on Eco-Tungsten, Cherokee Advanced Systems; work on organization of documents for Jim Barger
9/14/2007	LAB	$101.50	0.70	$101.50	0.70	Search California Secretary of State and Santa Clara Court Clerk records for information on Ecotungstan
9/14/2007	AMG	$175.50	1.30	$175.50	1.30	Trial preparation meeting with paralegal Carolyn Black; begin work on trial subpoenas; conference with Federal Court Clerk
9/14/2007	JFB	$34.00	0.20	$34.00	0.20	Emails to and from Carolyn Black regarding trial plan and status

						Edit notes of key players from Government Discovery Notebook; supplement Henry Frohsin's working binder with additional information; review notes from Alex Latifi, Government CD, and download relevant documents marked by Latifi; e-mail to Beth Latifi re: status of gathering contact information for additional interviews; work on review of client documents and compilation of exhibits for Rule 16 disclosures; prepare initial list for witness Bilbrey; edit task
9/14/2007	CJB	$938.00	6.70	$938.00	6.70	assignment chart for trial preparation; brief preparation
						Review track file; Draft Memo regarding Bill Mangold; Email to Henry Frohsin and Carolyn Black regarding same;
9/14/2007	JPR	$321.00	1.30	$321.00	1.30	Email to Henry Frohsin and Carolyn Black regarding possible trial exhibits; Review production letter log; Review
9/14/2007	AMC	$270.00	2.00	$270.00	2.00	Trial preparation
9/14/2007	AMC	$270.00	2.00	$270.00	2.00	Work on review of Government Discovery Notebook and work on bullet points for Bodine, Duffy, Barron; work on
9/14/2007	CJB	$566.00	4.20	$564.00	4.20	additional trial preparation
9/17/2007	AMC	$27.00	0.20	$27.00	0.20	Review Rules regarding subpoenas; brief conference with paralegal Carolyn Black regarding same; notes to file
						Receipt of copy of articles of incorporation of Cherokee Advanced Systems, Inc. from the Alabama Secretary of
9/17/2007	LAB	$67.00	0.60	$67.00	0.60	State; research address on Fitzhugh Road in Huntsville and print aerial picture of same
9/17/2007	HEF	$1,501.00	3.80	$1,501.00	3.80	Working on trial preparation; conference with Jim Berger re: Rule 16 disclosures; work on review of Government Discovery
						Notebook and bullet points for Ken Barton; work on preparation of Henry Strickland trial folder; edit interview
9/17/2007	CJB	$468.00	6.20	$468.00	6.20	spreadsheet; edit task list; work on organization of documents and trial preparation
						Conference with Carolyn Black regarding status and trial subpoenas; Phone call from Alex Latifi regarding letter
						drawings; Conference with Henry Frohsin regarding same; Review documents for Rule 16 disclosures; Phone call
						with Assistant United States Attorney David Estes regarding briefing of letter blanks and return of seized property;
9/17/2007	JPR	$250.00	5.00	$250.00	5.00	Memo to file regarding same; Phone call to Alex Latifi regarding same
						Begin drafting subpoenas, receipt and brief review of emails from attorney James F. Sanger; brief conference with
9/18/2007	AMC	$27.00	0.20	$27.00	0.20	paralegal Carolyn Black
						Conference with Jim Berger re: strategy; work on organization of documents for Rule 16 disclosures; review of
9/18/2007	CJB	$798.00	5.70	$798.00	5.70	Protective Order acknowledgment document; work on miscellaneous trial preparation
						Phone calls to and from Alex Latifi regarding Count Three; Emails to and from Henry Frohsin regarding same;
9/18/2007	JPR	$420.00	2.80	$420.00	2.80	Conference with Carolyn Black regarding Rule 16 disclosures; Review, analyze, and organize trial documents
9/18/2007	AMC	$135.00	1.00	$135.00	1.00	Trial preparation, research on witnesses, continue work on subpoenas
						Trial meeting with Henry Frohsin and Jim Berger; attend conference call with Assistant U.S. Attorney David Estes;
						attend telephone conference with Alex Latifi; work on preparation/organization of documents for Rule 16
						disclosures; preparation of documents and supplement Henry Frohsin and Jim Berger working binders; discussion
						with Angelo Garcia re: trial subpoenas; edit letter to team working binder; preparation of working documents for
9/18/2007	CJB	$1,008.00	7.20	$1,008.00	7.20	Henry Frohsin, Jim Berger, re Tungsten Products; Beth Latifi; work on additional miscellaneous trial preparation issues
9/18/2007	HEF	$2,370.00	8.00	$2,370.00	8.00	Conference with Jim Berger, EW to review status. Telephone conference with Meg Weng, trial preparation.

							Conference with Henry Frohsin and Carolyn Black to prepare for trial; Phone calls to Alex Lotfi regarding same.
9/19/2007	JFB	$1,000.00	5.00	$1,000.00	3.50		Review documents regarding same; Phone calls to and from AUSA regarding review of evidence review and trial
9/20/2007	HF	$1,875.00	6.00	$1,875.00	5.00		Working on trial preparation
							Prepare for trial and review documents regarding same; Conferences with Henry Frohsin and Carolyn Black regarding same; Phone call to David Estes regarding evidence inspection; Phone calls to and from Alex Lotfi
9/20/2007	JFB	$1,000.00	6.40	$1,000.00	6.40		regarding trial preparation, strategy, and evidence.
							Finalize trial subpoenas for witnesses Jerry Oxley, Robert Chandler, Joseph Ferrara, Henry Stallard; work on preparation of service packets for same; meeting with Henry Frohsin and Jim Bunger re: trial strategy; preparation of information for Jim Bunger meeting with Assistant U.S. Attorney David Estes re: review of enclosed property from
9/20/2007	CJB	$478.00	3.40	$478.00	3.40		Auburn; work on documents; organization and miscellaneous trial preparation
9/20/2007	JFW	$132.00	0.70	$132.00	0.70		Research issue re: admissibility of certain evidence under hearsay exceptions; discussed with H. Frohsin
9/21/2007	HF	$1,575.00	4.00	$1,575.00	4.00		Telephone call to and from Jim Bunger and Alex Lotfi re: government offer to settle. Review trial notebook for opening.
							Travel to and from Huntsville and Scottsboro, Alabama; Review evidence seized by Government; meet with AUSA and CID to discuss Government's offer for settlement; Phone calls to and from Henry Frohsin regarding same; Conferences with Alex Lotfi regarding same; Interview Henry Rankin; Interview Rick; Phone calls to Henry Frohsin
9/21/2007	JFB	$2,587.50	14.10	$2,387.00	14.10		regarding same.
							Research Elizabeth Lemley information re: trial subpoena and witness tax issues; conduct witness fee information for Lemley subpoena; prepare trial subpoena for Lemley; conference with Henry Frohsin re: inspection
9/21/2007	CJB	$266.00	1.90	$266.00	1.90		of seized property; work on issues pertaining to coordination of trial subpoena service
9/21/2007	JFW	$46.00	0.30	$46.00	0.30		Research chain of custody issue; discussed with H. Frohsin
9/23/2007	JFB	$56.30	0.40	$56.00	0.40		Email photographs of letter weight assemblies and labels
9/23/2007	CJB	$192.10	2.80	$192.00	2.80		Review/organize/label/update client documents to bates file Rule 16 disclosure and for use at trial
9/24/2007	HF	$1,777.10	4.50	$1,777.50	4.50		Conference with Jim Bunger, Captain Elliott re. status and update on government offer to settle. Travel and review Letter from Judge Johnson re: government response to our motion to dismiss.
							Conference with Henry Frohsin and Carolyn Black regarding inspection of physical evidence; meeting with the Government, and settlement negotiations; Research regarding same; Phone calls to and from Alex Lotfi and witness Harry Deskin regarding same;Review and edit memo regarding settlement position paper; Phone call and
9/24/2007	JFB	$385.00	5.70	$385.00	5.70		letter to Doreen Eisenman regarding effect of pleading guilty to 1001
							Meeting with Henry Frohsin, Jim Bunger re: inspection of seized property; government settlement proposal;
9/24/2007	CJB	$192.00	2.80	$192.00	2.80		prepare memo to Henry Frohsin and Jim Bunger regarding settlement points for meeting with client
9/24/2007	AMO	$13.30	0.10	$13.50	0.10		Receipt and review of Order regarding motion filed under seal; update file
							Conference with Alex Lotfi, Beth Lotfi, Jim Bunger comprehensive review of case. Conference with Jim Bunger re:
9/25/2007	HF	$2,063.50	5.50	$2,063.00	5.50		Conference with Alex Lotfi and David Estes call.
							Conference with Henry Frohsin, Alex Lotfi, and Beth Lotfi regarding settlement negotiations; Phone calls to
9/25/2007	JFB	$1,027.00	5.10	$1,027.00	5.10		AUSA David Estes regarding same; Phone call from Alex Lotfi regarding same and regarding Beth Lemley

9/27/2007	JFB	$81.00	0.30	$51.00	0.30	Phone call from Joe Ferrante regarding Government CID request for interview
9/28/2007	JFB	$34.00	0.20	$34.00	0.20	Phone call with Henry Frohsin regarding Government's Motion to Continue
10/1/2007	JFB	$170.00	1.00	$170.00	1.00	Review and Analyze Government's Motion to Continue; Phone call with David Estes and Ana Debeo regarding same; Phone calls to and from David Estes regarding settlement meeting; Conference with Carolyn Black regarding same; Phone calls and emails to/Henry Frohsin regarding same
10/1/2007	HF	$1,975.00	5.00	$1,975.00	5.00	Order from Judge Johnson re. setting trial; conference with Jim Berger, Carolyn Black re: trial preparation; Settlement discussions with USA.
10/2/2007	JFB	$918.00	5.40	$918.00	5.40	Prepare for settlement conference; Phone calls to and from AUSA David Estes regarding same; Phone call with Henry Frohsin and fact witness Joe Ferrante regarding letter blanks and interview with CID; Conference with Henry Frohsin and Elliot Whitted regarding same; Settlement Conference with AUSA David Estes and Ana Debeo and with Henry Frohsin; Phone calls to and from Alex Ledl regarding same; Phone call with Alex Ledl, Henry Frohsin, and fact witness regarding letter drawing; Review Grand Jury testimony
10/2/2007	HF	$1,777.50	4.50	$1,777.50	4.50	Conference with AUSAs, Estes and Debeo, Jim Berger. Telephone call to/ past from Alex Ledl; email from Alex re. Steals Purchase order; file study
10/3/2007	JFB	$289.00	1.70	$289.00	1.70	Phone call with David Estes regarding settlement negotiations; Phone calls to and from Henry Frohsin regarding same; Conference with Carolyn Black regarding same
10/3/2007	HF	$700.00	2.00	$700.00	2.00	File study.
10/4/2007	JFB	$272.00	1.60	$272.00	1.60	Review and analyze Government's Response to Defendant's Motion to Dismiss; Multiple phone calls with Henry Frohsin regarding same; Emails to Carolyn Black regarding same; Emails to and conference with Elliot Whitted regarding Motion for Leave to Reply; Review and approve same and prepare for filing; Phone call to Assistant United States Attorney David Estes regarding Government offer for settlement
10/5/2007	JFB	$527.00	3.10	$527.00	3.10	Phone calls to: David Estes and Henry Frohsin regarding settlement negotiations; Review and analyze Government's Opposition to Motion to Dismiss; Research regarding same; Phone call with Alex Ledl regarding status, trial strategy, and witnesses
10/5/2007	CJB	$70.00	0.50	$70.00	0.50	Read/review order granting motion to reply to Government's Opposition to Motion to Dismiss, reviewed docket; update pleadings files and index; discussion with Jim Berger re: trial preparation
10/9/2007	JFB	$1,666.00	9.80	$1,666.00	9.80	Research and Draft Reply to Government's Opposition to Motion to Dismiss; Review Grand Jury Testimony; Conferences with Henry Frohsin regarding same; Phone calls to and from Alex Ledl and Rich Raleigh regarding Government contract with Dallas on Shock Absorber contract; Conference with Henry Frohsin regarding grand jury testimony and trial preparation
10/9/2007	HF	$2,765.00	7.00	$2,765.00	7.00	Conference with Jim Berger re: reply brief; edit reply brief
10/9/2007	CJB	$350.00	2.50	$350.00	2.50	Research on James Hopkins, Harry Swain for trial witnesses, review Elizabeth Lemay criminal docket for certified documents needed for trial exhibits, work on trial preparation
10/9/2007	JFB	$1,853.00	10.90	$1,853.00	10.90	Draft and edit Reply Brief in Support of Summary Judgment; Finish reviewing Grand Jury testimony; Conferences with Alex Ledl, Beth Ledl, Carolyn Black, and Henry Frohsin regarding trial preparation
10/9/2007	CJB	$1,232.00	8.80	$1,232.00	8.80	Several telephone calls with Jodi Everman at Willmer Lee re. Beth Lattery certified copy of specified criminal proceedings pleadings, filed additional documents for Rule 16 disclosures, meeting with clients re: trial preparation; work on trial preparation
10/9/2007	HF	$3,160.00	8.00	$3,160.00	8.00	Trial preparation, conference with Mr. and Mrs. Ledl.

10/10/2007	JPB	1998.50	5.70	$285.00	5.70	Draft Reply Brief; Conference with Henry Fonash regarding same; Prepare for Trial; Conferences with Carolyn Black and Lesley Meadows regarding subpoenas; Phone calls and emails to and from investigator and bookkeeping expert and conference with Henry Fonash regarding same; Multiple phone calls to and from Alan
10/11/2007	MF	$3,150.00	9.00	$3,150.00	9.00	Trial preparation.
10/11/2007	CJB	1134.00	2.40	$330.00	2.40	Correspondence to and from bookkeeping expert; work on trial subpoena issues by Winner, Wolpert, Jones, Patterson, Meeuwis, Bowers, Rader, J.E. Smith; email to Joel Fonash at Hotmail; Line w/ trial subpoena issues.
10/11/2007	CJB	1134.00	2.40	$330.00	2.40	Review and prepare trial subpoena for service on Pl. Robbins
10/11/2007	DRH	$ 35.00	0.50	$175.00	0.50	Review and prepare trial subpoena for service on Pl. Robbins
10/11/2007	MF	$2,135.00	7.00	$2,765.00	7.00	Trial preparation.
10/11/2007	JPB	1610.00	3.00	$915.00	3.00	Conference with Carolyn Black regarding subpoenas and trial preparation; Conferences with Henry Fonash regarding same; Outline possible witness testimony for trial
10/12/2007	CJB	$810.00	4.80	$672.00	4.80	Discussion with Henry Fonash re: bookkeeping expert; review e-mail from client re: additional information re witnesses; work on trial subpoena issues (10); coordination with Witzer Law on subpoena service; preparation of additional documents for Rule 16 disclosures; prepare spreadsheet of deposition witnesses with contact information, agenda of subpoena service; additional trial preparation
10/12/2007	MF	$2,571.00	8.00	$2,376.00	8.00	Trial preparation.
10/12/2007	JPB	1610.00	3.00	$915.00	3.00	Prepare for trial; Multiple conferences with Henry Fonash and Carolyn Black regarding same
10/13/2007	CJB	1604.00	4.80	$936.00	4.80	Work on trial subpoena issues; preparation of additional trial subpoenas; coordination of witness fees for same; preparation of witness binders (21); preparation of documents to include in witness binders; brief exhibit telephone call with investigator re: phone bills; trial preparation
10/13/2007	JPB	$1116.00	4.00	$732.00	4.00	Prepare for trial; Multiple conferences with Henry Fonash and Carolyn Black regarding same
10/14/2007	CJB	1275.00	1.80	$360.00	1.80	Work on trial subpoena issues; preparation of additional trial subpoenas; coordination of witness fees for same;
10/14/2007	JPB	186.50	0.40	$88.00	0.40	Trial Preparation
10/15/2007	MF	$2,765.50	7.60	$2,765.00	7.00	Trial preparation.
10/15/2007	DOC	1361.50	0.40	$76.00	0.40	Discussion re: trial including bookkeeping expert
10/15/2007	MT	1822.50	9.40	$752.00	9.40	Discussing evidentiary profile and admissibility of reputation evidence with Henry Fonash and Jim Bangel
10/15/2007	CJB	1598.50	4.30	$688.00	4.30	Work on follow up concerning outstanding subpoenas; telephone call with Paul Bichel at Tacketts re: subpoena issues; telephone call with James Ford re: subpoenas, on-call status; conferences with Henry Fonash, Jim Bangel re: trial preparation and strategy;
10/15/2007	JPB	$1,998.00	6.40	$1,998.00	6.40	Trial preparation and strategy.
10/16/2007	MF	$2,367.50	6.50	$2,367.50	6.50	Trial preparation.
10/16/2007	DOC	$1142.50	1.10	$154.00	1.10	Preparation of check of exhibits to be an exhibit at trial
10/16/2007	CJB	1598.00	1.10	$264.00	1.10	Trial prep; conferences re: handwriting expert; work on subpoena issues; prep exhibits for motion to dismiss; re-organize exhibits; conferences with Debbie Cuffe re: trial exhibits; prep jury for government inspection
10/16/2007	JPB	$1,679.00	11.00	$1,870.00	11.00	Trial preparation and strategy.

10/17/2007	DGC	$952.00	6.80	$952.00	6.80	Trial preparation including lengthy conference with Frohsin, Barger and Black re: preparation of charts of diagrams/videotapes to be used at trial; discussions re: status of service of witnesses
10/17/2007	CJB	$1,488.00	10.70	$1,488.00	10.70	Trial prep; e-file opposition to motion to exempt; emails with client re: witness issues; prep witness folders; account research on witnesses
10/17/2007	JFB	$2,383.00	13.80	$2,383.00	13.80	Trial Preparation and strategy planning
10/17/2007	HSF	$2,587.50	6.50	$2,587.50	6.50	Trial preparation.
10/18/2007	AMG	$40.50	0.30	$40.80	0.30	Conferences with attorneys Henry Frohsin and James F. Barger, Jr., conferences with AL Department of Wildlife Conservation; obtain regulations for 2003 deer hunting season; forward same to Mr. Barger; update file
10/18/2007	DGC	$798.50	5.70	$798.00	5.70	Trial preparation including drafting of charts to be used as trial exhibits; lengthy conference with Black and DTI re: enlargement of exhibits to be used at trial; preparation of exhibits to be used at trial; lengthy conference with Frohsin, Barger and Black re: trial; several telephone conferences with investigator re: Lemley; review of Judge's rules re: trial
10/18/2007	CJB	$1,216.30	8.70	$1,218.00	8.70	Telephone call with Drendar; work on subpoena issues; meeting with trial team; preparation of exhibit chart; work on witness coordinator; telephone calls with private investigator; trial preparation
10/18/2007	JFB	$1,564.30	9.20	$1,564.00	9.20	Trial Preparation, Multiple conferences regarding same. Phone calls to and from U.S. Attorney's office regarding same
10/18/2007	HSF	$3,160.30	8.00	$3,160.00	8.00	Prepare for trial.
10/18/2007	DGC	$1,008.00	7.20	$1,008.00	7.20	Trial preparation including review, organization and labeling of trial exhibits; drafting of timeline to be used as trial exhibit; discussions re: final exhibit and witness lists; discussion re: status of service of all trial subpoenas; discussion re: additional documents produced by Ferranti; numerous telephone conferences with Marriot re: preparation of courtroom for trial
10/19/2007	CJB	$1,608.30	11.40	$1,606.00	11.40	Meeting with clients, trial preparation, work on subpoena follow-up; Debbie Cattin re: demonstrative exhibits
10/19/2007	JFB	$1,561.00	9.30	$1,561.00	9.30	Trial Preparation, Multiple conferences and review and organization of documents regarding same.
10/19/2007	HSF	$3,160.30	8.00	$3,160.00	8.00	Prepare for trial.
10/20/2007	CJB	$1,290.00	9.00	$1,290.00	9.00	Meet with Henry Frohsin, Jim Barger; trial preparation; prepare new exhibits, supplement Rule 16 discovery; edit exhibit chart; edit Rule 16 chart; supplement witness list
10/20/2007	JFB	$1,380.00	8.00	$1,380.00	8.00	Trial Preparation
10/21/2007	CJB	$980.50	7.00	$980.00	7.00	Trial preparation; travel to Florence; telephone calls with witnesses; meeting with clients
10/21/2007	JFB	$1,020.30	6.00	$1,020.00	6.00	Preparation for Trial and travel to Florence
10/22/2007	DMF	$345.50	1.00	$345.00	1.00	Worked on manuel.
10/22/2007	DGC	$168.00	1.20	$168.00	1.20	Location and faxing of unredacted Motion to Dismiss to Frohsin; several conferences re: EHC; location and review of Eckhod information
10/22/2007	CJB	$1,820.00	13.00	$1,820.00	13.00	Trial; prep for next day of trial
10/22/2007	JFB	$2,040.00	12.00	$2,040.00	12.00	Trial
10/22/2007	HSF	$4,345.00	11.00	$4,345.00	11.00	Trial in Florence
10/23/2007	DMF	$103.50	0.30	$103.50	0.30	Correspondence with Barger re political implications and related cases.
10/23/2007	DGC	$70.00	0.50	$70.00	0.50	Discussion re: witnesses
10/23/2007	CJB	$1,960.50	14.00	$1,960.00	14.00	Trial; prep for next day of trial; telephone calls to witnesses re: status

Civil Case

6/8/2006	HIF	$1,950.00	5.2	$1,755.00	5.20	Conference with Jim Barger regarding status of government search and investigation; telephone conference with Dag Rowe regarding same; conference with Jim Barger and Alex Latifi regarding same; review notice of complaint for forfeiture against real property; review complaint for forfeiture against real property; conference with Jim Barger regarding same; research regarding civil forfeiture statute and recent case law
6/8/2006	HIF	$750.00	2	$375.00	2.00	Telephone conversation with David Estes, Ann Debro, Jim Barger re: seizure and search and potential criminal and civil remedies
6/8/2006	JFB	$750.50	4.9	$661.35	4.80	Conference with paralegal, Carolyn Black, regarding status and strategy; Research regarding civil forfeiture; Phone call from Alex Latifi regarding seized Tungsten, Review search warrant inventory and receipts, Review client document responding to Complaint for Forfeiture Against Real Property; Conference with Henry Frohsin regarding same; Telephone conference with Assistant U S Attorneys David Estes and Ane Debro and Henry Frohsin; Telephone conference with Alex Latifi and Henry Frohsin, Draft memo regarding telephone conference with Department of Justice
6/9/2006	CJB	$378.00	2.8	$340.20	2.80	Conference with Jim Barger re: status, litigation strategy, assignments; review docket re: assignment of judge, pleadings filed; review verified complaint in Rem, warrant for arrest; legal research re: cited statutes, further review of pleadings re pending deadlines; work on review of file and client documents, start research concerning law issuers
6/10/2006	JFB	$13.50	0.1	$13.85	0.10	Review fax from Alex Latifi, Forward same to Henry Frohsin and Carolyn Black
6/12/2006	JFB	$814.50	3.9	$823.05	6.80	Research and write memorandum regarding strategy and procedure for civil forfeiture proceeding; Review Affidavit of agent Marc Mills, Conference with Henry Frohsin regarding same; Telephone conference with Henry Frohsin and Alex Latifi regarding same; Fax Affidavit of Marc Mills to Alex Latifi; Phone call to Alex Latifi, Review documents from Alex Latifi regarding government allegations of export control violations, Conference with Henry Frohsin regarding same, Telephone conference with Henry Frohsin and Alex Alifi regarding strategy
6/12/2006	CJB	$229.50	1.7	$206.55	1.70	Additional fact, property research on Axion Corporation; review/reorganize client documents forwarded by Jim Barger; review Jim Barger memo; review Federal Rules of Civil Procedure re arbitrary deadline imposed by United States in warrant
6/12/2006	HIF	$3,600.00	8	$2,700.00	8.00	Review search warrant affidavit; various conference with Jim Barger to research forfeiture action; telephone call to and from David Estes, telephone call to and from James Ingram
6/13/2006	JFB	$1,348.50	8.7	$1,213.65	8.70	Review file in preparation for client conference, Conference with Alex and Beth Latifi and Henry Frohsin regarding fact investigation and strategy; Telephone conference with Assistant U S. Attorney, David Estes, Review and organize factual evidence; Review and organize notes from client conference
6/13/2006	HIF	$3,262.50	8.7	$2,936.25	8.70	Review file in preparation for client conference conference with Alex and Beth Latifi and Jim Barger regarding fact investigation and strategy; telephone conference with Assistant U. S. Attorney, David Estes, review and organize factual evidence; review and organize notes from client conference
6/14/2006	JFB	$1,843.00	10.6	$1,478.70	10.80	Conference with Henry Frohsin regarding witness interviews; Phone call to Dag Rowe regarding status and scheduling witness interviews in Huntsville, Phone call to Axion Corporation regarding same,Travel to and from Huntsville and Athens, On-site investigation at Axion regarding intake procedures for tungsten blanks, in-house sanitization, and machining production of the billiar weight; Conference with Alex Latifi regarding same, Draft and prepare Affidavits of Jim Rader and Naveen Sadhu

6/14/2006	HJT	$1,875.00	5	$1,687.50	8.00	Conference with client, Alex and Beth Latifi; telephone conversation with Jim Barger, David Estes, telephone call to James Ingram, telephone call from James Ingram
6/15/2006	JFB	$448.50	2.9	$404.55	2.90	Conference with Henry Frohsin regarding factual evidence and affidavits of Jim Rader and Naveen Sarma. Telephone conference with Assistant U.S. Attorney, James Ingram, and Henry Frohsin regarding civil forfeiture. Internet research regarding availability of billfolds and billfold drawings on the Internet; Conference with paralegal, Carolyn Black, regarding same; Email from Jerry Gabig regarding China research; Review memo from Jerry Gabig to Alex Latifi regarding Buy American Act. Phone call with Henry Frohsin and Beth Latifi regarding status. Conference with Henry Frohsin regarding civil forfeiture; Phone call to Assistant U.S. Attorney, Sandy Callahan, regarding release of Axion corporate accounts. Phone call with Beth Latifi regarding payroll and other payables Research regarding civil forfeiture procedure
6/15/2006	HF	$382.50	1.5	$506.25	1.50	Telephone conversation with James Ingram and Jim Barger; conference with Jim Barger to review affidavits; review email from James Ingram
6/15/2006	CJB	$94.50	0.7	$25.09	0.70	Conference with Jim Barger re additional research to perform concerning information on billfold drawings, research same, review docket for possible additional government filings
6/16/2006	JFB	$839.50	4.1	$571.95	4.10	Emails to and from attorneys, Rich Raleigh and Jerry Gabig, regarding efforts to contact the state department; Review affidavit of Jerry Gabig regarding same; Draft Verified Statement of Interest; Emails to and from paralegal, Carolyn Black, regarding same; Phone call to Jody at Wilmer and Lee regarding Verification; Phone call to Alex Latifi regarding Statement of Interest and release of accounts, payrolls, accounts payable, etc., Phone call from assistant U.S. attorney, Sandy Callahan, regarding civil forfeiture. Prepare and file Verified Statements of Interest; Phone call with Assistant United States Attorney, Sandy Callahan, regarding release of funds to make payroll; Phone call to Alex Latifi regarding conference with Sandy Callahan
6/16/2006	HJT	$1,537.50	4.1	$1,383.75	4.10	Emails to and from attorneys, Rich Raleigh and Jerry Gabig, regarding efforts to contact the state department; Review affidavit of Jerry Gabig regarding same; Conference with Jim Barger regarding Verified Statement of Interest; Emails to and from paralegal, Carolyn Black, regarding same; Phone call to Alex Latifi regarding Statement of Interest and release of accounts, payrolls, accounts payable, etc., Phone call from assistant U.S. attorney, Sandy Callahan, regarding civil forfeiture; Prepare and edit Verified Statements of Interest; Phone call with Assistant United States Attorney, Sandy Callahan, regarding release of funds to make payroll; Phone call to Alex Latifi regarding conference with Sandy Callahan
6/15/2006	CJB	$443.50	3.3	$400.95	3.30	Emails to and from Jim Barger re verified statements of interest; work with Jim Barger on review and revisions of verified statements of interest re. Axion Corporation, Alex and Beth Latifi; several telephone calls, emails with Jodi Everman at Wilmer and Smith re same; edit verification pages for statements, finalize verified statements of interest for filing; review PACER docket to confirm filing of same, review documents from client re summary of accounts forward to Assistant U.S. Attorney Sandy Callahan; review and index all pleadings filed/received, further review of warrant, notice of issuance of complaint and email to Jim Barger re deadlines for filing of answer, filing of claims, work on review and organization of research re: billfold weight assembly

					Conference with Henry Frohsin regarding status. Phone call from assistant United States Attorney Sandy Callahan regarding release of funds for payroll; Telephone conference with Alex Lasfi regarding same and Rule 16(a)4. Phone calls to and from Sandy Callahan regarding release of Colombo Bank Account funds. Draft	
6/19/2006	JFB	$204.50	1.0	$286.05	correspondence to Sandy Callahan regarding release of funds	
6/19/2006	CJB	$61.00	0.5	$72.90	Review email from Jim Berger re: representation issue; review court docket re status of executed warrant; draft notice of appearance for Harriet Ivy and Jim Berger; edit; finalize; file same.	
6/19/2006	HDF	$1,500.00	4	$1,360.00	Telephone call to David Elias re: search and seizure of computer assets and search warrant issues; review case and strategy with Greg Rose	
					Phone calls to and from assistant U.S. attorney Sandy Callahan regarding release of funds. Phone calls to and from Alex and Beth Lasfi regarding same. Review file from Beth Lasfi regarding vendor accounts due. Review fax from Sandy Callahan regarding Notice of Stipulation of Release of Funds and Notice of Appearance filed by Sandy Callahan; Review Motion of Stipulation of Release of Funds and Notice of Appearance filed by Sandy Callahan; Review Motion of Meaning of Status Conference, Calendar [illegible]	
6/20/2006	JFB	$203.50	1.5	$709.25		
6/20/2006	HDF	$157.50	0.5	$187.50	Telephone call to and fr[illegible] Sandy Callahan	
6/21/2006	JFB	$153.00	1	$139.50	Conference with Henry Frohsin regarding status of forfeiture and release of funds; Phone call with Greg Rose regarding same	
					Telephone conference with Henry Frohsin and Greg Rose regarding status and strategy; Phone call to and from Beth Lasfi regarding release of funds; Phone call to Assistant United States Attorney Sandy Callahan regarding same. Phone call with Alex Lasfi regarding Defense Contract Management Agency Deficiency Report; Review Deficiency Report; Email to Henry Frohsin regarding same	
6/22/2006	JFB	$204.00	1.5	$720.20		
					Phone call from Alex Lasfi regarding status update. Phone calls to and from Beth Lasfi regarding release of funds. Phone calls to Dana Darrell at Colombo Bank and David Byrne, Colombo Bank's personal counsel, regarding same. Draft Motion for Release of Funds and proposed Order; Phone call to Alex Glombicki clerk for United District Court Judge Hoeglin regarding same; Phone call with U.S. Attorney's office regarding same. Phone calls to and from United States District Judge Hoeglin regarding same. Review Order Granting Release of Funds; Email same to Alex Lasfi; Fax same to David Byrne and Colombo Bank	
6/23/2006	JFB	$336.50	2.3	$328.85		
					Receipt and review of order releasing funds; discussion with Jim Berger re: Colombo Bank issues, lengthy telephone call with Colombo Bank representative re same; forward court order to Colombo Bank counsel; calendar deadlines from order releasing funds	
6/23/2006	CJB	$61.00	0.6	$72.90		
6/23/2006	HDF	$1,012.50	2.7	$911.25	Telephone call to Alex Lasfi; telephone call to Greg Rose to brief concerning criminal/civil case status and plan for depositions; telephone call to Alex Lasfi re: same	
					Research regarding pre-indictment depositions and depositions in foreign country; Conference with Henry Frohsin regarding same	
6/26/2006	JFB	$77.50	0.5	$69.75		
6/26/2006	HDF	$675.00	1.8	$607.50	Receipt and review Judge Hoeglin's Order Releasing Funds; conference with Jim Berger telephone call to Alex Lasfi re: same	
6/27/2006	CJB	$61.00	0.6	$72.90	Review/organize client documents; review PACER docket; update pleadings files	
					Conference with Henry Frohsin regarding status of civil forfeiture action; Phone call from Beth and Alex Lasfi regarding Colombo Bank's failure to properly release funds; Phone call to Colombo Bank regarding same; Phone call with Henry Frohsin and Beth and Alex Lasfi regarding same. Research regarding taking of depositions in foreign country	
6/27/2006	JFB	$124.00	0.8	$111.60		
6/27/2006	HDF	$937.50	2.5	$843.75	Discussions on need for depositions and preparation for forfeiture arguments	

6/28/2006	JFB	$15.50	0.1	$13.95	0.10	Phone call from Alex Ladd regarding tax
6/29/2006	Paralegal	$250.00	2.5	$225.00	2.50	Attended status conference with Henry Frohsin and Jim Barger and researched civil forfeiture and substitute assets to support motion for release of seized property
6/29/2006	JFB	$697.50	4.5	$627.75	4.50	Research regarding taking of depositions in foreign country; Prepare for federal District Court Hearing with Judge Hopkins Hearing with Judge Hopkins; Phone call to Judge Hopkins clerk regarding Motions; Phone calls to and from Assistant United States Attorney, James Ingram, regarding second release of funds; Phone calls to and from Beth and Alex Ladd regarding same; Research and draft proposed Order releasing funds;
6/29/2006	HIF	$1,687.50	4.5	$1,518.75	4.50	Status conference attendance; various conferences with Jim Barger re. answer and claim to be filed; various telecons with Beth and Alex Ladd
6/30/2006	JFB	$345.00	3.8	$330.10	3.80	Draft Proposed Order Releasing Funds; Draft Answer of Acton Corporation to Civil Forfeiture Complaint; Draft Answer of Alex and Beth Ladd to Civil Forfeiture Complaint; Phone call to Judge Hopkins clerk regarding filing of stipulation for release of funds
6/30/2006	HIF	$1,125.00	3	$1,012.50	3.00	Receipt and review proposed answer and claim, review Answer; telephone call to Jim Ingram; telephone call from James Ingram re: bond for release of funds; telephone call to and from Jim Ingram re: same, telephone call to Alex to inform of agreement to release
6/30/2006	CJB	$81.00	0.6	$72.90	0.60	Status update from Jim Barger; review pleadings and update indices
7/3/2006	CJB	$27.00	0.2	$27.00	0.20	Receipt/review original deed held as collateral for release of funds, draft correspondence to Beth Ladd re: same; email to Jim Barger
7/3/2006	JFB	$77.50	0.5	$77.50	0.50	Edit Proposed Order releasing funds, Review correspondence from Beth Ladd with attached deed; Phone call to assistant U.S. Attorney, James Ingram, regarding same; Draft memo to file regarding June 29 status conference with Judge Hopkins
7/5/2006	HIF	$1,125.00	3	$1,125.00	3.00	Conference with Jim Barger re: status; review and revise motion for and stipulation for release of funds; coordinate release with USA office; telephone call to James Ingram for final approval of stipulation
7/5/2006	HIF	$112.50	0.3	$112.50	0.30	Telephone call to Alex Ladd with update
7/5/2006	JFB	$165.00	1	$165.00	1.00	Conference with Henry Frohsin regarding status and stipulation for release of funds
7/5/2006	JFB	$341.00	2.2	$341.00	2.20	Phone call to Alex Ladd regarding property on Dan Tibbs Road; Multiple phone calls to and from Assistant United States Attorney, James Ingram regarding Joint Stipulation of Release of Funds; Draft Joint Stipulation of Release of Funds; Email same and proposed Order to James Ingram
7/5/2006	CJB	$27.00	0.2	$27.00	0.20	Edit/finalize correspondence to Beth Ladd re: original deed held for collateral
7/6/2006	JFB	$124.00	0.8	$124.00	0.80	Phone call to and from Assistant United States Attorney, James Ingram, regarding Stipulation for Release of Funds and Proposed Order Releasing Funds; Prepare Stipulation for filing; Email Proposed Order to Court; Email filed Stipulation to Alex and Beth Ladd
7/6/2006	HIF	$937.50	2.5	$937.50	2.50	Various telecons and work to release funds and post bond for same
7/6/2006	HIF	$37.50	0.1	$37.50	0.10	Receipt and review letter from Dag Rowe re name change
7/7/2006	JFB	$77.50	0.5	$77.50	0.50	Review Court Order releasing $1.278 million; Email same to Alex and Beth Ladd; Phone calls to Beth Ladd regarding same; Phone calls to and from Colonial Bank to confirm release of funds
7/7/2006	CJB	$87.50	0.5	$87.50	0.50	review emails from Jim Barger re: release of funds; review PACER docket; update pleadings file and index
7/10/2006	JFB	$108.50	0.7	$108.50	0.70	Conferences with Henry Frohsin regarding logistics for interviews

7/6/2006	HF	$98.50	1.5	$590.00	1.50	Conference with Jim Berger regarding logistics for interviews; telephone call to Dag Rowe to review case progress
7/6/2006	JFB	$341.00	2.2	$341.00	2.20	Conference with Henry Frohlich regarding witness interviews; Conference with Alex Lastl, Tom Mahoney, Henry Prenault, and Jim Snellgrove
7/7/2006	JFB	$294.00	1.9	$294.00	1.90	Review and analyze file and research regarding facts and legal theories; Conference with Robert Heisberg and Henry Frohlich regarding same
7/7/2006	HF	$373.00	1	$373.00	1.00	Conference with Robert Heisberg, Jim Berger, to review the facts and theories of the defense
7/7/2006	JFB	$186.00	1.2	$186.00	1.20	Research regarding Arms Export Control Act
7/7/2006	HF	$730.00	2	$730.00	2.00	Telephone call to Alex Lastl re. witnesses, various conferences with Jim Berger re: same
7/7/2006	JFB	$31.00	0.2	$31.00	0.20	File study
7/7/2006	HF	$1,090.00	2.8	$1,090.00	2.80	Prepare for witness interviews
7/7/2006	CJB	$54.00	0.4	$54.00	0.40	Discussion with Jim Berger re, preparation for Henry Frohlich interviews, cdan review of file documents and preparation of documents re same
7/7/2006	JFB	$170.50	1.1	$170.50	1.10	Conference with Henry Frohlich regarding discovery; Phone call to Alex Lastl regarding witness interviews; Review criminal reprint, affidavit of Marcus Mills, legal research re, application statutes cited by Marcus Mills; compilation/preparation/organization of documents for Henry Frohlich interview binder; prepare index for binder documents; work with Jim Berger re: additional documents and organization for same edit/revise binder index re: witness interviews
7/8/2006	CJB	$538.50	3.9	$538.50	3.00	
7/10/2006	JFB	$248.00	1.6	$248.00	1.60	Phone call to Rick Newcomb regarding Sanctions Against Iran; Phone call to assistant U.S. Attorney, David Estes, regarding return of laptops; Phone calls to and from Alex Lastl and Henry Frohlich regarding same
7/24/2006	JFB	$93.00	0.6	$93.00	0.60	Draft interrogatories and Requests for Admissions
7/26/2006	JFB	$13.50	0.1	$13.50	0.10	Phone call from Dag Rowe regarding status
7/27/2006	JFB	$15.50	0.1	$15.50	0.10	Phone call regarding status
7/29/2006	HF	$975.00	1.8	$975.00	1.80	Telephone call from Jim Snellgrove re: SA visit; telephone call to Alex Lastl re: same; conference with Jim Berger re: same; telephone call to Dag Rowe to brief on case
7/29/2006	JFB	$217.00	1.4	$217.00	1.40	Draft and edit deposition notice of Marcus W. Mills; Research regarding discovery of OIG investigative materials; Conference with Henry Frohlich regarding same; Phone call from Alex Lastl regarding government investigation of Alton's CPA
8/1/2006	JFB	$31.00	0.2	$20.25	0.20	Review Government's Motion to Stay
8/2/2006	JFB	$13.50	0.1	$14.13	0.10	Review Order to Show Cause Why Motion to Stay should not be granted; Calendar same
8/2/2006	CJB	$27.00	0.2	$24.61	0.20	Review recently filed pleadings; update pleadings files and docket; review notice from court re: hearing on motion to stay
8/7/2006	HF	$373.00	1	$341.74	1.00	Telephone call to Alex Lastl(left message) Study file
8/7/2006	HF	$1,125.00	3	$1,256.22	3.00	Review transcripts
8/9/2006	HF	$262.50	0.7	$239.31	0.70	Telephone call to Alex Lastl (left message); telephone call from Alex Lastl to review case and discuss strategy moving forward; conference with Jim Berger re: refinements to transcripts
8/9/2006	JFB	$77.50	0.5	$70.63	0.50	Conference with Henry Frohlich regarding Government's Motion to Stay and Show Cause Order; Phone conference with U.S. attorney, James Ingram, regarding same; Phone call to Dag Rowe regarding standard for showing ex parte evidence in support of Motion to Stay

8/10/2006	HIF	$112.50	0.3	$102.63	0.30	Telephone call from Alex Latifi
8/10/2006	HIF	$112.50	0.3	$102.63	0.30	Telephone call to Alex Latifi re: return of computer telephone call to Mark Mills re: return of computers seized government
8/10/2006	JFB	$82.00	0.4	$58.50	0.40	Research regarding Order to Show Cause why Motion to Stay Proceedings should not be granted; Research regarding attorney-client privilege with regard to documents subpoenaed from accountant
8/11/2006	HIF	$412.50	1.1	$375.91	1.10	Conference with Jim Berger re: Motion to Stay; review Forfeiture stat for ex parte issues; telephone call to James Ingram re: same; telephone call to Dag Rowe re: status and tax issues
8/13/2006	CJB	$40.50	0.3	$38.91	0.30	Review pleadings, court docket re: status concerning motion to stay proceedings, review/organize additional documents from witness interviews
8/14/2006	HIF	$562.50	1.5	$512.61	1.50	Review fax from Alex; review and revise response to motion for stay; telephone call from Alex Latifi re: pending matters
8/14/2006	JFB	$904.50	3.9	$550.68	3.90	Research and Draft Opposition to Motion to Stay Civil Forfeiture Proceedings; Conference with Henry Frohsin regarding same; Edit same and prepare for filing
8/15/2006	JFB	$1,023.00	6.6	$932.26	6.60	Conference with Henry Frohsin regarding motion to stay; review opposition motion; research regarding same
8/15/2006	HIF	$1,200.00	3.2	$1,093.66	3.20	Conference with Jim Berger re: motion to stay; receipt and review Motion in opposition
8/18/2006	HIF	$187.50	0.5	$170.87	0.50	Contact Mike Mills for return of property; telephone call to Alex re: same
8/21/2006	HIF	$937.50	2.8	$854.34	2.80	Review/cross to and review of witness statements; conference with Jim Berger re: return of property
8/23/2006	RJW	$350.00	0.7	$318.86	0.70	Telephone conference with Mr. Berger (Birmingham) regarding method for making payment to relative in Iran - OFAC license
8/25/2006	JFB	$342.50	3.8	$494.38	3.80	Review file in preparation for client conference; Conference with Henry Frohsin, and Alex Latifi regarding status and strategy
8/25/2006	HIF	$1,125.00	3	$1,025.22	3.00	Conference with Alex Latifi re: status of case
8/25/2006	CJB	$54.00	0.4	$49.21	0.40	Review recently filed pleadings and update pleadings file and index; review/download current court docket; review/organize additional file documents and prepare file for hearing on motion to stay
8/28/2006	JFB	$418.50	2.7	$381.38	2.70	Phone calls from Alex Latifi regarding status and strategy; Prepare for Hearing on Motion to Stay Discovery; Attend and present argument in Hearing before Judge Hopkins on Motion to Stay Discovery; Review Order granting Stay; Phone call with Alex Latifi regarding same
8/29/2006	CJB	$27.00	0.2	$24.61	0.20	Work with Jim Berger on hearing preparation re: motion to stay discovery
8/30/2006	JFB	$18.90	0.1	$14.13	0.10	Review file
8/30/2006	DOC	$54.00	0.4	$49.14	0.40	Location, review and discussion re: Judge Hopkins' Order; discussion re: filing of Motion to Alter or Amend
8/30/2006	HIF	$187.50	0.5	$187.50	0.50	Receipt and review Order refusing to lift stay; conference with Jim Berger re: same and discuss motion to alter amend
9/5/2006	HIF	$375.00	1	$375.00	1.00	Discussions with Jim Berger re: case strategy
9/6/2006	JFB	$45.50	0.3	$46.80	0.30	Phone call from Alex Latifi regarding status, Email to Henry Frohsin regarding same; Conference with Henry Frohsin and phone call with Alex Latifi regarding same
9/6/2006	HIF	$112.50	0.3	$112.50	0.30	Conference with Jim Berger re: phone call from Alex and strategy for moving forward
9/7/2006	JFB	$93.00	0.6	$93.00	0.60	Draft Motion to Amend or Vacate Court Order Granting Stay
9/11/2006	JFB	$31.00	0.2	$31.00	0.20	Review Memorandum Opinion and Order granting Motion to Stay proceedings and edit Motion to Alter or Amend same

9/11/2006	HSF	$112.50	0.5	$112.50	0.30	Review status	
9/11/2006	DGC	$97.50	0.5	$97.50	0.60	Drafting of Defendant's Motion to Alter or Amend; discussion re. Motion with Berger	
9/11/2006	JFB	$12.00	0.4	$92.00	0.40	Review and edit Motion to Alter or Amend; Email same to Henry Frohlich; Conference with Henry Frohlich regarding same	
9/13/2006	DGC	$40.50	0.3	$40.50	0.30	Drafting of Defendant's Motion to Alter or Amend	
9/13/2006	HSF	$150.00	0.4	$150.00	0.40	Conference with Jim Berger; email from Jim Berger re Motion to Alter or Amend	
						Discussion with Jim Berger and Alan Lazoff; email Rick Newcomb; conference with Tom Mahoney re: impact on tax	
9/13/2006	HSF	$1,125.00	3	$1,125.00	3.00	return; telephone call to Alan re. same	
9/14/2006	JFB	$31.00	0.2	$31.00	0.20	Emails to and from Rick Newcomb regarding status	
9/14/2006	HSF	$450.00	1.2	$450.00	1.20	Receipt of email from Richard Newcomb re conference call	
9/14/2006	HSF	$187.50	0.5	$187.50	0.50	Telephone call from Alan Lazoff re. status; conference with Jim Berger re. same	
9/15/2006	JFB	$46.50	0.3	$46.50	0.30	Phone calls from and to Alan Lazoff regarding documents; Review same; Email to Henry Frohlich regarding same	
9/19/2006	RBN	$1,709.10	3.4	$1,709.00	3.40	Review motions and regulations; telephone conference with Alan Lazoff, Henry Frohlich and Jim Berger	
9/20/2006	JFB	$83.10	0.6	$83.00	0.60	Phone calls with Alan Lazoff	
						Two conferences with Henry Frohlich, Alan Lazoff, Rick Newcomb regarding comprehensive strategy; File Motion	
9/21/2006	JFB	$341.07	2.2	$341.00	2.20	to Reconsider; Review Court docket and email from Court regarding filing	
9/21/2006	HSF	$487.91	1.3	$487.50	1.30	Conference call with Alan Lazoff, Rick Newcomb and Jim Berger	
9/21/2006	HSF	$37.91	0.1	$37.50	0.10	Review Motion to Alter or Amend	
9/21/2006	RBN	$1,400.01	2.8	$1,400.00	2.80	Review materials, conference calls with Henry Frohlich and Alan Lazoff regarding strategy	
9/22/2006	JFB	$15.50	0.1	$15.50	0.10	Review Order granting Motion to Amend	
9/27/2006	JFB	$15.50	0.1	$15.50	0.10	Fax from Alan Lazoff regarding need for release of funds to pay federal taxes; Forward same to Henry Frohlich	
9/27/2006	HSF	$150.00	0.4	$150.00	0.40	Review email from Jim Berger re. release of funds to pay taxes; telephone call from Alan re. same	
9/28/2006	HSF	$37.50	0.1	$37.50	0.10	Letter from Alan stating tax liability	
9/28/2006	HSF	$187.50	0.5	$187.50	0.50	Conference call with Alan Lazoff, Rick Newcomb and Jim Berger	
						Review client documents and draft Petition for Relief of Funds; Phone call from Alan Lazoff regarding status and	
10/2/2006	JFB	$325.50	2.1	$325.50	2.10	return of personal computers and cell phones	
						Prepare and file Petition of Funds and supporting exhibit; Review filed Petition; Review Court Order Setting	
10/2/2006	JFB	$62.00	0.4	$62.00	0.40	Briefing Schedule and Court's Briefing requirements; Calendar briefing deadlines	
10/2/2006	HSF	$225.00	0.6	$225.00	0.60	Receipt of email forwarding order setting briefing schedule; conference with Jim Berger re. same	
10/2/2006	JFB	$108.50	0.7	$108.50	0.70	Conference with Henry Frohlich and Rick Newcomb and phone call to Alan Lazoff regarding status of petition for release of funds	
10/2/2006	RBN	$600.00	1.2	$600.00	1.20	Telephone conference with Messrs. Frohlich and Berger; review file and develop issues for October 13 telephone conference	
10/2/2006	HSF	$375.00	1	$375.00	1.00	Receipt and review letter from Dag Rowe re: bankruptcy; conference with Jim Berger and Newcomb and telephone call to Lazoff re. same and status of release of funds	
10/3/2006	JFB	$77.50	0.5	$77.50	0.50	Review response to opposition to petition for release of funds; Email from Henry Frohlich regarding same	
10/13/2006	RBN	$250.00	0.5	$250.00	0.50	Telephone conference with Messrs. Frohlich and Lazoff; review notes	

10/13/2006	HIF	$187.50	0.5	$187.50	0.50	E-mail to Jim Berger re: response in opposition to petition to release funds
10/16/2006	JFB	$108.50	0.7	$108.50	0.70	Phone call from Dag Rowe regarding status update; Memo to file regarding same; Review Gov't Opposition to Petition for Release of Funds
10/17/2006	JFB	$31.00	0.2	$31.00	0.20	Review Court order denying Petition for Release of Funds, Email to Henry Frohsin regarding same; Phone calls to and from Henry Frohsin regarding same
10/18/2006	JFB	$558.00	3.6	$558.00	3.60	Research regarding whether Court may enter Order that does not comport with previous Court-ordered briefing schedule, Phone call from Henry Frohsin regarding same; Phone calls to and from assistant U.S. Attorney James Ingram, regarding Court's Order denying Petition for Release of Funds and Motion for Relief from Order; Research and Draft Motion for Relief from Order
10/19/2006	JFB	$248.00	1.6	$248.00	1.60	Prepare and file Motion for Relief from Order; Conference with Henry Frohsin regarding same; Email memo to Henry Frohsin regarding release of funds, Phone call with Henry Frohsin and Alex Latifi regarding same; Conference with Henry Frohsin regarding hearing with Judge Hopkins and strategic plan
10/19/2006	HIF	$675.00	1.8	$675.00	1.80	Conference with Jim Berger re. release of forfeited funds; telephone conversation with James Ingram, Jim Berger, re: same; brief in support of motion
10/23/2006	JFB	$217.00	1.4	$217.00	1.40	Review Court Order staying litigation; Phone calls with Judge Hopkins' clerk regarding request for oral argument and Motion to Vacate; Research regarding Petition for Release of Funds
10/23/2006	JFB	$31.00	0.2	$31.00	0.20	Research regarding release of funds to pay taxes
10/24/2006	JFB	$31.00	0.2	$31.00	0.20	Review Order vacating prior Order denying Petition for Release of Funds, Emails to Henry Frohsin and Carolyn Black regarding same; Calendar deadline for Reply Brief
10/24/2006	HIF	$75.00	0.2	$75.00	0.20	Emails to and from Jim Berger re release of funds, receipt and review order granting motion to vacate
10/25/2006	JFB	$31.00	0.2	$31.00	0.20	Phone call from Henry Frohsin regarding Brief in support of Petition for Release of Funds. Research regarding same
10/26/2006	HIF	$187.50	0.5	$187.50	0.50	Review of Court Order re: claimant's motion for relief; conference with Jim Berger to prepare response
10/26/2006	JFB	$527.00	3.4	$527.00	3.40	Research and draft Brief in support of Petition for Release of Funds
10/30/2006	JFB	$124.00	0.8	$124.00	0.80	Conference with Henry Frohsin regarding Brief in Support of Petition for Release of Funds, Review and edit same, Prepare same for filing
10/31/2006	HIF	$375.00	1	$375.00	1.00	Receipt and review of order denying release of funds; conference with Jim Berger re same, telephone call to Alex Latifi
11/1/2006	JFB	$46.50	0.3	$46.50	0.30	Review Court Order denying Petition for Release of Funds, Conference with Henry Frohsin regarding same, Conference with Henry Frohsin regarding strategy
11/2/2006	JFB	$62.00	0.4	$62.00	0.40	Research regarding interlocutory appeal of Court's Order denying 983(f) Petition for Release of Funds
11/2/2006	HIF	$37.50	0.1	$37.50	0.10	Receipt and review letter from Dag Rowe
11/6/2006	JFB	$31.00	0.2	$31.00	0.20	Conference with Henry Frohsin regarding status
11/8/2006	HIF	$75.00	0.2	$75.00	0.20	Conference with Jim Berger re. status
11/14/2006	HIF	$187.50	0.5	$187.50	0.50	Telephone call to Alex Latifi re order denying distribution of frozen assets
11/14/2006	RRH	$1,550.00	3.1	$1,550.00	3.10	Telephone conference with Messrs. Frohsin and Latifi; draft issue paper with facts and questions for review
11/15/2006	HIF	$750.00	2	$750.00	2.00	Review of article sent to Alex on taxes, telephone conversation with Rick Newcomb, Alex Latifi re: plan to obtain license to repatriate money to Iran and discussion of information necessary to obtain, receipt and review email from Rick Newcomb for Alex to answer questions

11/16/2006	RPM	$1,000.00	2	$1,000.00	2.00	Edit, review and send memo with fact summary and questions to Messrs. Frohsin for Mr. Latifi
11/13/2006	JFB	$82.00	0.4	$82.00	0.40	Review memo from Rick Newcomb; Emails to and from Henry Frohsin and Alex Latifi regarding same
11/20/2006	HF	$150.00	0.4	$150.00	0.40	Receipt and review email from Alex re: libels
11/21/2006	HF	$187.50	0.5	$187.50	0.50	Receipt and review fax from Alex re: tax issues, telephone call to Alex Latifi re: same
11/21/2006	HF	$187.50	0.5	$187.50	0.50	Motion to Amend and Vacate Order; conference with Jim Berger re: same
11/22/2006	HF	$225.00	0.6	$225.00	0.60	Email from Alex Latifi requesting conference with government; telephone call to James Ingram (vm); conference with Tom Mahoney re: tax matters
11/28/2006	RPM	$400.00	0.8	$400.00	0.80	Telephone conference with Mr. Frohsin and Mr. Latifi
11/28/2006	JFB	$46.50	0.3	$46.50	0.30	Status Update with Henry Frohsin; Emails to and from Alex Latifi regarding tax withholding; Emails to and from Henry Frohsin and Tom Mahoney regarding same
11/30/2006	HF	$375.00	1	$375.00	1.00	Telephone conversation with Alex Latifi, Rick Newcomb re: license issues
12/1/2006	HF	$75.00	0.2	$75.00	0.20	Email from Alex Latifi re: discontinue license efforts
12/8/2006	JFB	$170.50	1.1	$170.50	1.10	Conference with Henry Frohsin; Review emails from Alex Latifi, Henry Frohsin; Review Court Order regarding Stay; Conference with Henry Frohsin regarding conversation with U.S. Attorney James Ingram; Draft Motion to Set Case for Trial
12/22/2006	HF	$150.00	0.4	$150.00	0.40	Conference with Jim Berger to prepare memorandum to set for trial
12/22/2006	JFB	$31.00	0.2	$31.00	0.20	Conference with Henry Frohsin regarding Government's deadline to file status report; Prepare and file Motion to Set Case for Trial
12/28/2006	JFB	$77.50	0.5	$77.50	0.50	Review Government's Opposition to Emergency Motion for Trial Setting; Review Court Order regarding Stay and docket regarding same; Email to Henry Frohsin and Carolyn Black regarding same
12/28/2006	HF	$187.50	0.5	$187.50	0.50	Conference with Jim Berger re: Government's opposition to Emergency Motion; review of Court Order
12/29/2006	HF	$37.50	0.1	$37.50	0.10	Receipt and review email from Tom Mahoney re: tax filings
1/2/2007	JFB	$31.00	0.2	$31.00	0.20	Review docket and various court documents regarding status of stay and required government filings; Conference with Henry Frohsin regarding same
1/5/2007	JFB	$31.00	0.2	$31.00	0.20	Review Court docket regarding government status report; Conference with Henry Frohsin regarding same
1/5/2007	JFB	$155.00	1	$155.00	1.00	Draft Opposition to Government's ex parte status report; Phone call from and conference with Henry Frohsin regarding same; Edit and file opposition brief
1/8/2007	HF	$375.00	1	$375.00	1.00	Receipt and review order's on Motion to Set for Trial; receipt and review Opinion denying motion; conference with Jim Berger to determine strategy
1/8/2007	JFB	$77.50	0.5	$77.50	0.50	Review filed Brief in Opposition to Government's Ex Parte Status Report; Review Court Order denying Emergency Motion to Set Trial Date; Email to Henry Frohsin regarding same; Review Court Order regarding Government's Ex Parte Status Report
1/9/2007	HF	$37.50	0.1	$37.50	0.10	Telephone call to Dag Rowe re. status (vm)
1/9/2007	JFB	$263.50	1.7	$263.50	1.70	Research regarding Motion to Set Case for Trial; Conference with Henry Frohsin regarding same; Phone call to Alex Latifi regarding same
1/24/2007	HF	$225.00	0.6	$225.00	0.60	Telephone call to Alex Latifi re: status
1/31/2007	HF	$187.50	0.5	$187.50	0.50	Telephone call to Dag Rowe to apprise him of case status and latest developments
2/22/2007	JFB	$119.00	0.7	$119.00	0.70	Phone call from Alex Latifi regarding status and strategy; Conference with Henry Frohsin regarding same; Research regarding Motion to Unseal Status Report

2/27/2007	JFB	$51.00	0.3	$51.00	0.30	Conference with law clerk Kevin Garrison regarding Motion to Unseal Status Report
2/27/2007	KRG	$24.00	0.2	$24.00	0.20	Research re. motion to unseal status report
3/6/2007	KRG	$684.00	5.7	$684.00	5.70	Research re: motion to unseal status report
3/6/2007	JFB	$170.00	1	$170.00	1.00	Conference with Kevin Garrison regarding Motion to Unseal the Status Report and possible Motion to Vacate the court's Order regarding the stay
3/7/2007	KRG	$480.00	4	$480.00	4.00	Draft motion to unseal ex parte status report
3/7/2007	JFB	$102.00	0.6	$102.00	0.60	Conference with law clerk Kevin Garrison regarding Motion to Unseal Status Report; Review draft Motion to Unseal Status Report
3/9/2007	JFB	$51.00	0.3	$51.00	0.30	Phone call from Ike Leifil regarding status; Email to Henry Frohsin regarding same
3/12/2007	HIF	$39.50	0.1	$39.50	0.10	Email from Jim Berger re: Alex directive to proceed.
3/13/2007	JFB	$119.00	0.7	$119.00	0.70	Edit Motion to Unseal Ex Parte Status Report; Emails to and from Henry Frohsin and Kevin Garrison regarding same; Conference with Kevin Garrison regarding same
3/13/2007	HIF	$197.50	0.5	$197.50	0.50	Review and review motion to unseal ex parte status report.
3/30/2007	JFB	$595.00	3.5	$595.00	3.50	Phone call from Alex Leifil regarding news release and indictment; Phone call to Dag Rowe regarding same; Phone call to assistant U.S. Attorney James Ingram regarding same; Emails to Henry Frohsin regarding same; Conference with Henry Frohsin regarding same; Teleconference with Henry Frohsin, Dag Rowe, and Alex Leifil Regarding same; Teleconference with assistant U.S. Attorneys David Estes and Ann Debero regarding same; Research regarding waiver of right to jury; Review and analyze indictment; Emails to and from Henry Frohsin, Dag Rowe, and Rich Rutledge regarding same; Research regarding indictment counts, Review email and attachments from Alex Leifil regarding Public Relations and press issues, Telephone conference with Alex Leifil regarding same; Email to Alex Leifil regarding indictment
3/30/2007	GJB	$42.00	0.3	$42.00	0.30	Review documents pertaining to indictment; conference re: strategy
3/30/2007	HIF	$1,975.00	8	$1,975.00	8.00	Review article in Birmingham News; review email from Alex; telephone call to Alex re. same; telephone call to David Estes re: arraignment and summons; telephone call to Dag Rowe, conference with Jim Berger re: above. Review non-jury trial and government consent; review Leifil indictment.
4/4/2007	JFB	$51.00	0.3	$51.00	0.30	Review email and docket entry regarding sealed Court Order and Sealed Second Ex Parte Status Report; Conference with Henry Frohsin regarding same
6/18/2007	JFB	$680.00	4	$680.00	4.00	Phone calls with Assistant U.S. Attorneys David Estes and An Debro regarding government production documents; Phone call to fact witness Henry Stickrod regarding scheduling interview; Emails and phone call to assistant United States Attorney David Estes and to Henry Stickrod regarding same; Multiple conferences with Carolyn Black regarding review of government document production; Draft timeline of events, Review research memo from Dbk Powers regarding affirmative defenses
7/9/2007	JFB	$17.00	0.1	$17.00	0.10	Emails from Doreen Edelman regarding government suspension.
7/10/2007	JFB	$51.00	0.3	$51.00	0.30	Emails from Henry Frohsin and Assistant U.S. Attorney Lloyd Peeples regarding statute of limitations on False Claims Act civil claim; Research regarding same
7/13/2007	JFB	$34.00	0.2	$34.00	0.20	Review letter from Department of Army regarding suspension and review toward possible lifting of suspension; Conference with Henry Frohsin regarding same; Emails to and from Doreen Edelman regarding same
7/20/2007	MAD	$200.00	2	$200.00	2.00	Research contractor's liability when government terminates for convenience, and report findings

7/20/2007	JFB	$112.00	0.8	$102.00	0.80	Emails to and from Damian Ederman regarding verification issue on bifurc scenario; Review criminal; regarding same, Emails to and from Carolyn Short and Henry Fronish regarding same
7/24/2007	MMD	$261.00	2	$200.00	2.00	Review contract for applicable limitation statutes; draft opposition of parties' obligations and limitations thereto
8/13/2007	RBN	$157.50	0.3	$157.50	0.30	Telephone conference with Fronish regarding possible next steps
8/13/2007	RBN	$427.50	0.8	$427.50	0.80	Telephone conference with Mr. Fishkin and Mr. Berger
8/31/2007	JFB	$304.00	1.2	$304.00	1.20	Emails to and from Damian Edelman regarding subpoenas; Phone call with Damian Edelman regarding same; Draft letter to Department of Treasury
10/2/2007	JEW	$468.90	1	$468.90	3.30	Preparation for meeting with government attorneys, researched forfeiture guidelines, read recent case figure limits, and researched legal issues with regard to maximum statutory penalties
10/4/2007	JEW	$112.30	0.7	$0.00	0.70	Drafted motion in response to government pleadings regarding motion to dismiss
10/29/2007	DGC	$425.00	3	$450.00	3.00	Discussion re: remaining witnesses, location and review of docket on civil forfeiture; mail Bissell Brett's updated report to Director
11/1/2007	CJS	$175.40	0.5	$75.00	0.50	Review complete documents from criminal trial re: civil forfeiture issues
11/2/2007	CJS	$84.01	0.5	$84.00	0.90	Additional review/organization of documents from criminal proceedings re: civil forfeiture issues; conference with Jim Berger re: same
11/2/2007	JFB	$175.00	1	$175.00	1.00	E-mails
11/4/2007	JFB	$254.00	1.9	$255.00	1.50	Review Civil Forfeiture Complaint; Phone call to James Ingram regarding same; Phone call to Judge Johnson's chambers regard recon of order exhibits; Conference with Henry Fronish regarding strategy on civil forfeiture
11/5/2007	CJS	$88.00	0.7	$88.00	0.70	Review/organize documents from criminal proceedings
11/12/2007	JFB	$769.00	4.5	$764.00	4.50	Emails to and from Damian Ederman regarding filing of suspension; Conference with Henry Fronish regarding possible CAFRA petition against Government; Phone calls to and from Assistant United States Attorney James Ingram regarding civil forfeiture action; Emails and phone calls to and from Allen and Bach Lesh regarding suspension and civil forfeiture action; Conference with Catherine Long regarding same; Research regarding same
11/12/2007	JFB	$170.00	1	$170.00	1.00	Research regarding pending civil forfeiture and possible res judicata defense
11/13/2007	JFB	$367.00	2.1	$367.00	2.10	Multiple conferences with Henry Fronish regarding filing of suspension, return of seized property, and strategy for dismissal of civil forfeiture; Research regarding dismissal of civil forfeiture; Phone calls to United States Attorney regarding same; Conference with Henry Fronish, Allen and Bach Lesh regarding same
11/14/2007	JFB	$327.00	2.1	$327.00	2.10	Phone calls to and from Assistant United States attorneys regarding dismissal of civil forfeiture and return of seized property; Conference with Henry Fronish regarding same; Phone call to Allen Lesh regarding same
11/15/2007	JFB	$327.00	2.1	$327.00	2.10	Review Government's Motion to Dismiss Civil Forfeiture; Research regarding same; Phone calls from CSD agents Sokolowski and Heath regarding return of seized property; Draft response letter to Mobley to Dismiss; Phone call from Allen Lesh regarding release of bank funds and status of civil forfeiture; Conferences with Henry Fronish regarding same
11/15/2007	KDF	$592.50	1.5	$592.50	1.50	Edit and file claimant's response to motion to dismiss; conference with Jim Berger re: same.

11/18/2007	JFB	$680.00	4	$680.00	4.00	Review Court Order regarding Government's application for certificate of reasonable cause in civil forfeiture; Research regarding same; Conference with Henry Frohsin regarding same; Multiple calls to Assistant United States Attorney James Ingram regarding same; Draft Joint Agreement Regarding Civil Forfeiture; Draft Joint Order regarding same; Teleconference with Emails to and from Assistant United States Attorney James Ingram regarding same; Prepare same for filing
11/19/2007	JFB	$357.00	2.1	$357.00	2.10	Conference with Henry Frohsin and Elliot Wachtell regarding brief requesting attorney's fees and costs from Government; Research regarding same; Review Court Order regarding same
11/19/2007	CJB	$154.00	1.1	$154.00	1.10	Review orders concerning release of funds, review/download/docket/organize all recently received pleadings; update pleadings files for same
11/19/2007	JEW	$1,280.00	8	$1,280.00	8.00	Research and drafting brief re: basis for attorney's fees in civil forfeiture action
11/20/2007	JEW	$1,424.00	8.9	$1,424.00	8.90	Drafted brief in support of claim for attorneys' fees and costs
11/20/2007	CJB	$308.00	2.2	$308.00	2.20	Review/redact privilege information for exhibits to motion in support of attorney fees
11/20/2007	HIF	$798.00	2	$798.00	2.80	Conference with Jim Berger re: brief to Judge Hopkins. Edits to affidavit and work on submission to Court for attorney fees and costs.
11/20/2007	JFB	$258.00	1.5	$258.00	1.80	Continue researching request for attorney's fees; Begin drafting brief regarding same with Elliot Wachtell
11/21/2007	JEW	$528.00	3.3	$528.00	3.30	Completed draft of brief in support of claims for attorney's fees
11/21/2007	CJB	$384.00	2.8	$384.00	2.80	Work on redacting of exhibits concerning motion for attorney fees; organization of exhibits for same; finalize exhibits; e-file same
11/21/2007	HIF	$1,108.00	2.8	$1,108.00	2.80	Edits to submission, read and review government motion to withdraw motion to dismiss; review government brief in support of certificate of reasonable cause; conference with Jim Berger and make modifications to affidavit and brief. Conference with Jim Berger to discuss ongoing strategy
11/21/2007	JFB	$442.00	2.6	$442.00	2.60	Complete brief requesting attorneys' fees; Edit same; Conference with Henry Frohsin regarding edits to same; Prepare same for filing and oversee filing of same
11/28/2007	JFB	$1,020.00	8	$1,020.00	8.00	Research and draft Opposition Brief in response to Government's petition for certificate of reasonable cause; Conference with Henry Frohsin regarding same and strategy for same; Review attorney notes from trial regarding same; Review CID affidavits and Grand Jury testimony regarding same
11/28/2007	CJB	$196.00	1.4	$196.00	1.40	Review of seized property and bank accounts concerning release of property/funds from government
11/27/2007	JFB	$1,190.00	7	$1,190.00	7.00	Research and draft Brief in Opposition to Government's Request for Certificate of Reasonable Cause; Conference with Henry Frohsin regarding same; Edit and complete same and prepare for filing; Review filed copy; Phone calls with NASA OIG agent Ezra Heath regarding return of tungsten blanks to Axion Corporation; Phone calls to Marc Huff regarding same; Phone call to Alex Latifi regarding same and regarding other issues
11/28/2007	JFB	$51.00	0.3	$51.00	0.30	Emails to and from Alex Latifi regarding trial transcript and pending motions and briefs before Judge Hopkins regarding attorney's fees and certificate of reasonable cause; Phone calls from Henry Frohsin regarding same
11/28/2007	HIF	$395.00	1	$395.00	1.00	Review response to government.
11/28/2007	JFB	$85.00	0.5	$85.00	0.50	Review Government notice of release of its pendens, Emails to and from Colonial Bank officers regarding release of bank accounts. Conference with Henry Frohsin regarding same, Emails to and from assistant Laney Meadows regarding same
11/30/2007	JFB	$170.00	1	$170.00	1.00	Phone calls to and from Marc Huff, Kirveen Saxena, and Alex Latifi regarding Government's return of tungsten; Review file

12/1/2007	LFB	$170.00	1	$170.00	1.00	Phone calls to and from Dag Bowie, Vinnie Hebert, and Stacey Silver regarding researching Rumors of Us Ecology and reviewing citizens' requesting materials for positioning the court to issue subpoenas and serving them on
1/1/2008	KBW	$339.30	2.1	$339.00	2.10	Phone calls to and from Alan Lindh regarding Conference with Henry Fishkin regarding status and attorney fee petition; Phone call with Alan Lindh regarding
1/1/2008	LFB	$153.18	0.9	$152.75	0.90	Emails to and from Alan Lindh regarding
1/2/2008	KBW	$119.10	0.3	$119.00	0.30	Conference with Jim Berger re: consolidation of the cases before Judge Johnson.
2/4/2008	LFB	$255.00	1	$170.46	1.00	Emails to and from Mark Hoff regarding Scott Decision; Conference with Henry Fishkin regarding attorney fee cases before Judge Johnson and Motion to consolidate; Phone calls to and from Alan Lindh; Emails to and from Alan Lindh regarding text teleconfirm conference call
2/11/2008	LFB	$340.01	1.2	$170.56	1.20	Prepare opposition to Hawkins regarding petition for attorneys' fees; Emails to and from Catherine Long regarding
2/12/2008	LFB	$1,955.00	7.7	$1,220.56	7.70	Prepare for hearing regarding petition for attorney's fees; Research and analyze case law regarding same; Conference with Henry Fishkin and Catherine Long regarding same; Attend hearing regarding attorney's fees; Conference with Alan Lindh, Beth Lindh, Henry Fishkin, and Catherine Long regarding same
2/13/2008	LFB	$160.00	0.6	$170.37	0.60	Conference with Henry Fishkin regarding appointment to Government official; Phone calls and emails with Beth
2/13/2008	LFB	$160.00	0.6	$170.37	0.60	Lindh and Alan Lindh
2/14/2008	LFB	$160.00	0.6	$144.42	0.60	Review potential invoices of attorneys
2/18/2008	LFB	$160.00	0.6	$170.37	0.60	Conference with Henry Fishkin regarding suspension of government attorneys and investigations; Conferences with Elliot Warfield and Catherine Long regarding same
2/19/2008	LFB	$160.00	0.6	$170.37	0.60	Review potential invoices of attorneys
2/20/2008	KBW	$119.00	0.3	$85.68	0.70	Phone call and conference with Henry Fishkin regarding CAFRA fee petition; Outline possible civil discovery plan
2/20/2008	KBW	$238.00	1.7	$241.87	1.70	Reviewed material for Lubcomm in preparation for research with regard to the attorney fee inquiry set for April; Meeting with J. Berger, N. Fishkin, and C. Long on preparing for the hearing set for April on our claims for attorneys' fees
2/20/2008	KBW	$68.00	0.4	$34.56	0.40	Research on legal standards related to attorney fee motions
2/20/2008	CCL	$255.00	1.7	$255.00	1.70	Confirmed Request and Preparation for pending CAFRA Hearing and response to Government Motions filed with 9th Circuit
2/21/2008	CLB	$255.00	1.4	$102.87	1.40	Attorney re: preparation for 4/15 hearing
2/21/2008	LFB	$160.00	0.5	$85.23	0.50	Conference with Henry Fishkin regarding subpoenas; Review draft correspondence regarding same; Review and edit correspondence to Government regarding civil discovery
2/21/2008	KBW	$119.00	0.7	$85.68	0.70	Preparing materials for subpoenas sent to witnesses; needed for hearing on CAFRA claim
2/22/2008	CCL	$357.00	2.1	$204.43	2.10	Drafting Response to Government's Motion to Dismiss CAFRA Forfeiture Action re: opposition due to passing
2/22/2008	LFB	$80.00	0.3	$44.14	0.30	attorney and claimant's motion for attorney fees under CAFRA Review and edit Opposition to Government's Motion to Dismiss; Conference with Catherine Long and Henry Fishkin regarding same
2/23/2008	CCL	$765.00	4.5	$437.46	4.50	Drafting Response in Opposition to Government's Motion to Reconsider Court's Order, that the Government cannot establish, clear error, intervening change in law or new evidence, and it is not necessary to prevent manifest injustice

2/25/2008	DCL	$1,165.00	6.9	$285.95	8.50	Editing response to Government's motion for reconsider ation; drafting discovery to government, including requests for admission, production, and interrogatories for CAFRA petition for fees.
2/25/2008	JFB	$180.00	0.6	$144.42	0.90	Review and edit requests for production, Requests for Admission, and Interrogatories. Emails to and from and conference with Catherine Long regarding same
2/26/2008	DCL	$170.00	1	$136.36	1.00	Drafting interrogatories, requests for production, request to admit to government; for assistance in pending CAFRA motion for attorney fees
2/26/2008	JFB	$360.00	1.8	$284.83	1.80	Review and edit civil discovery; Conference with Henry Frahm and Catherine Long in preparation for hearing on attorney's fees
2/27/2008	DCL	$697.00	4.1	$549.21	4.10	Finalizing Drafting Requests for Production, Interrogatories and Requests for Admission for assistance in pending CAFRA proceeding
2/27/2008	JFB	$360.00	1.4	$284.66	1.40	Conference with Catherine Long regarding civil discovery plan and edits to Interrogatories, Requests for Production, and Requests for Admission; Review and edit same
2/28/2008	JFB	$220.00	1.1	$178.80	1.10	Edit Requests for Production, Requests for Admission, Interrogatories; Conference with Catherine Long regarding same
2/29/2008	DCL	$915.00	5.4	$736.57	5.40	Pre-Drafting Discovery for service on Government for assistance in upcoming CAFRA hearing
2/29/2008	JFB	$720.00	1	$180.46	1.00	Review, analyze, and edit discovery documents and motion; Conference with Henry Frahm and Catherine Long regarding same
2/29/2008	DCL	$1,105.00	6.5	$889.53	6.50	Finalizing Discovery to Government, drafting motion to strike to strike action to the discovery; drafting reminder to government reply to Defendant's response to motion seeking reconsideration
3/3/2008	CJB	$180.00	1.3	$180.00	1.30	Review order Stay, stay of proceedings; review of civil discovery requests with Catherine Long; work on hearing preparation
3/3/2008	JFB	$240.00	1.3	$240.00	1.30	Phone call with Ellen Whitfield regarding Freedom of Information Act and Privacy Act requests; Review Court Order filing stay of discovery; Conference with Henry Frahm and Catherine Long regarding discovery planning and deposition; Conference with Henry Frahm regarding strategy; Phone call to Alex Leith regarding status
3/4/2008	JFB	$330.00	1.8	$330.00	1.80	Review and analyze letters to Client; Conference with Henry Frahm and Catherine Long regarding same
3/5/2008	CJB	$174.00	1.2	$174.00	1.20	Work on supplementation of witness folders for hearing; review order re: motion to compel; conference with co-counsel to discuss, work on research on additional subpoena service issues for Marcus Mills, Laura Bentley
3/5/2008	JFW	$170.00	1	$170.00	1.00	Conducted research in furtherance of serving out subpoenas on SA Mark Mills and GA Laura Bentley
3/6/2008	JFW	$855.00	5.9	$855.00	5.90	Continued efforts to obtain service of subpoenas on Mills and Bentley
3/12/2008	JFB	$330.00	1.6	$330.00	1.80	Conference with Henry Frahm and Ellen Whitfield regarding attorney and loss file for discovery and hearings on CAFRA and Hyde petitions; Phone conference with Henry Frahm and Assistant U.S. Attorney regarding possible remediation and withdrawal of certificate of reasonable cause; Conference with Henry Frahm regarding ramifications of same; conference with Catherine Long, Henry Frahm, and Ellen Whitfield regarding attorney fee petitions and strategy
3/12/2008	DCL	$1,098.00	6.4	$1,098.00	6.40	Drafting Response to Government Motion to Quash/ Protective Order
3/12/2008	JFW	$697.00	4.1	$697.00	4.10	Conference with Jim Berger and Henry Frahm regarding preparation for the upcoming CAFRA hearings; worked with Catherine Long on responding to government motions, assisting depositions of government attorneys and legal aid, and subpoenaing same; Conference with Jim Berger, Henry Frahm, and Catherine Long regarding same

							Review and analyze Government's Motion for Protective Order and Motion of Proposed for Issuance of a Certificate of Reasonable Cause; Conference with Catherine Long regarding same; Review Notice of Appearance of Assistant United States Attorney Jan Hyndman; Review and analyze Order on Motion for Protective Order; Conference with Catherine Long, Elliot Wolfshell and Carolyn Black regarding same; Phone call with Henry Frohsin regarding new Motion to Reconsider and various additional filings by Government; Review and analyze same;
3/13/2008	JFB	$540.00	2.7	$540.00		2.70	Conference with Henry Frohsin regarding pending for response to same
3/13/2008	CCL	$301.50	0.3	$90.00		0.30	Drafting Response to Government Motion for Protective Order; Researching case requirements for "Brief order"; determining whether appeal period has run on denial of Government Motion to Dismiss
3/13/2008	CAB	$87.00	0.6	$87.00		0.60	Receipt and review of several pleadings, orders re: discovery disputes, hearing on the issues; conference re: same
3/13/2008	JEW	$102.00	0.6	$102.00		0.60	Conference with Jim Berger and Catherine Long of governments motions to switch subpoenas and preclude out of discovery; also strategy for filing possible Sherrod-style action against U.S. attorneys
3/14/2008	JEW	$306.00	1.8	$306.00		1.80	Conference with Catherine Long regarding government's motion to oppose discovery; worked on service of subpoenas on all agents and attorney's whose presence is required at April 14 hearing; review of CAFRA legislation and legal standards
3/17/2008	CCL	$1,830.00	9	$1,530.00		9.00	Drafting Response to Government Motion to Reconsider; denial of Motion for Protective Order; conference regarding emergency hearing before Magistrate Armstrong; Argument; preparation for emergency hearing
3/17/2008	JEW	$119.00	0.7	$119.00		0.70	Pending plea; pleading filed by government - to reconsider the Court's ill of the duty; conference with Catherine long re: same
3/18/2008	CCL	$1,949.00	9.7	$1,549.00		9.70	Final revision of Response to Government Motion for Reconsideration; Preparation for Hearing; Argument and argument at hearing before Magistrate Armstrong; research on "final order" stories of denial of motion to dismiss and/or impact on appeal deadline
3/18/2008	CAB	$101.50	0.7	$101.50		0.70	Assist with hearing preparation for motion to reconsider filed by Government; review order denying same; conference re: hearing
3/19/2008	JEW	$68.00	0.4	$68.00		0.40	Conference with Catherine Long re: Sherrodian ruling on government's motion to quash subpoena/delay discovery as well as the government's ability to appeal certain rulings by the Court
3/19/2008	JFB	$100.00	0.5	$100.00		0.50	Phone calls and emails to and from Henry Frohsin and Catherine Long regarding Government's ex parte conference and hearing with Magistrate Armstrong on Motion to Reconsider
3/19/2008	CCL	$1,220.00	6	$1,020.00		6.00	Review of Government filing today appealing Magistrate's order to docket court; initial research on response; conference with Judge Hopkins regarding manner of proceeding, stay of case until Judge Johnson returns; draft of proposed order; conferences with co-counsel regarding pending depositions of Laura Beasley, James Ingram
							Receipt and review of Government objections to order entered by Magistrate Armstrong concerning discovery issues; meeting with team re deposition preparation for Ingram, Beasley, Wolfe; attend telephone conference hearing with Judge Hopkins re: discovery disputes; review and order to submit to court daily proceedings until
3/19/2008	CAB	$609.00	4.2	$609.00		4.20	the return of Judge Johnson

3/19/2008	JEW	$1,139.00	6.7	$1,139.00	6.70	Reviewed government's filing in response to magistrate judge's Order denying their emergency motion; Conference with Jim Barger and Henry Frohsin - preparation for depositions scheduled for next week as well as other aspects of the preparation for attorney's fee hearings; conference call with Judge Hopkins re: depositions and discovery motion filed by government; Drafted memorandum summarizing hearing with Judge Hopkins
3/19/2008	JFB	$900.00	4.5	$900.00	4.50	Emails to and from AUSA Bill Athanas Catherine Long, and Henry Frohsin regarding Government's Objections to Magistrate's Order; Review Government's Brief regarding same; Review transcript of March 18 hearing before Magistrate; Conference with Catherine Long and Elliott Walthall regarding same; Conference with Henry Frohsin, Catherine Long, Elliott Walthall, and Carolyn Black in preparation for depositions of Alice Martin, Laura Bailey, and James Ingram; Telephone hearing with Hopkins regardingGovernment's Objections to Magistrate's Order Review and edit proposed Order regarding same; Emails to and from AUSA Athanas and Catherine Long regarding same;Conference with Henry Frohsin regarding hearing with Judge Hopkins, ramifications and strategy
3/20/2008	CJB	$217.50	1.5	$217.50	1.50	Review/download court docket, recently received pleadings and update files; prepare/finalize correspondence to Laura Bailey, James Ingram, Alice Martin re: depositionMiscovery conthuence
3/20/2008	JFB	$100.00	0.5	$100.00	0.50	Review August 28 2008 Order Granting Stay and related pleadings
3/20/2008	JFB	$400.00	2	$400.00	2.00	Review and analyze Government's Motion For Reconsideration of Order Lifting Stay and Opposition to Government's Motion and Motion to Strike; Review and analyze case law regarding same
3/23/2008	JEW	$340.00	2	$340.00	2.00	Preparation for depositions and attorneys fee hearing
3/26/2008	CCL	$697.00	4.1	$697.00	4.10	Researching appeals process, final order status of denial of Motion to Reconsider, Researching whether the denial of a motion for protective order can be appealed interlocutory or requires collateral order doctrine
3/29/2008	CCL	$1,139.00	6.7	$1,139.00	6.70	Revising Response to 11th Circuit Petition, Motion to Stay; Conference with Jim Barger regarding Motion revisions, filing with 11th Circuit
4/3/2008	CCL	$306.00	1.8	$0.00	0.00	Conference regarding drafting of Memorandum in support of attorneys fees in Civil Forfeiture
4/3/2008	JEW	$391.00	2.3	$0.00	0.00	Conference with Henry Frohsin regarding motion to be drafted in support of fee award; research into precedent regarding award of fees under CAFRA, research into CAFRA legislative history
4/7/2008	CJB	$58.00	0.4	$0.00	0.00	Review/download/organize court docket, recently received orders, update pleadings files; review/organize additional client documents.
4/9/2008	CCL	$306.00	1.8	$0.00	0.00	Press interview with ABA Journal regarding recent CAFRA award of attorneys fees
		$171,359.00	997	$114,133.24	$48.70	

Total $414,188.50

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N.D. OF ALABAMA

Appendix B

Difference In Base Amount and Billed Amount - Civil Case

6/8/2006	JFB	$808.00	5.2	$725.40	5.20	Conference with Henry Frohsin regarding status of government search and investigation; Telephone conference with Dag Rowe regarding same; Conference with Henry Frohsin and Alex Latiff regarding same; Review Notice of Complaint for Forfeiture Against Real Property; Review Complaint for Forfeiture Against Real Property; Conference with Henry Frohsin regarding same; Research regarding civil forfeiture statute and recent case law
6/8/2006	HIF	$1,850.00	5.2	$1,755.00	5.20	Conference with Jim Barger regarding status of government search and investigation; telephone conference with Dag Rowe regarding same; conference with Jim Barger and Alex Latiff regarding same, review notice of complaint for forfeiture against real property; review complaint for forfeiture against real property; conference with Jim Barger regarding same, research regarding civil forfeiture statute and recent case law
6/8/2006	HIF	$750.00	2	$675.00	2.00	Telephone conversation with David Estes, Ann Debro, Jim Barger re. seizure and search and potential criminal and civil remedies
6/9/2006	JFB	$716.50	4.9	$683.55	4.90	Conference with paralegal, Carolyn Black, regarding status and strategy; Research regarding civil forfeiture, Phone call from Alex Latiff regarding seized Tungsten; Review search warrant inventory and receipts, Review client document responding to Complaint for Forfeiture Against Real Property; Conference with Henry Frohsin regarding same, Telephone conference with Assistant U.S. Attorneys David Estes and Ann Debro and Henry Frohsin; Telephone conference with Alex Latiff and Henry Frohsin; Draft memo regarding telephone conference with Department of Justice
6/10/2006	JFB	$15.50	0.1	$13.95	0.10	Review fax from Alex Latiff; Forward same to Henry Frohsin and Carolyn Black
6/12/2006	JFB	$914.50	5.9	$823.05	5.90	Research and write memorandum regarding strategy and procedure for civil forfeiture proceeding, Review Affidavit of agent Marc Mills, Conference with Henry Frohsin regarding same; Telephone conference with Henry Frohsin and Alex Latiff regarding same; Fax Affidavit of Marc Mills to Alex Latiff; Phone call to Alex Latiff; Review documents from Alex Latiff regarding government allegations of export control violations; Conference with Henry Frohsin regarding same, Telephone conference with Henry Frohsin and Alex Attiff regarding strategy
6/12/2006	HIF	$3,000.10	8	$2,700.00	8.00	Review search warrant affidavit; various conference with Jim Barger to research forfeiture action, telephone call to and from David Estes; telephone call to and from James Ingram
6/13/2006	JFB	$1,349.50	8.7	$1,213.65	8.70	Review file in preparation for client conference; Conference with Alex and Beth Latiff and Henry Frohsin regarding fact investigation and strategy; Telephone conference with Assistant U.S. Attorney, David Estes, Review and organize factual evidence, Review and organize notes from client conference
6/13/2006	HIF	$3,262.50	8.7	$2,936.25	8.70	Review file in preparation for client conference, conference with Alex and Beth Latiff and Jim Barger regarding fact investigation and strategy; telephone conference with Assistant U. S. Attorney, David Estes, review and organize factual evidence; review and organize notes from client conference

6/14/2008	JFB	$1,843.00	10.6	$1,478.70	10.60	Conference with Henry Frohsin regarding witness interviews; Phone call to Dag Rowe regarding status and scheduling witness interviews in Huntsville; Phone call to Axion Corporation regarding same; Travel to and from Huntsville and Athens; On-site investigation at Axion regarding intake procedures for tungston blanks, in-house sanitization, and machining production of the bifilar weight; Conference with Alex Latfi regarding same; Draft and prepare Affidavits of Jim Radar and Naveen Sadna
6/14/2008	HIF	$1,875.00	5	$1,687.50	9.00	Conference with client, Alex and Beth Latifi; telephone conversation with Jim Barger, David Estes; telephone call to James Ingram, telephone call from James Ingram
6/15/2008	JFB	$449.50	2.9	$404.55	2.90	Conference with Henry Frohsin regarding factual evidence and affidavits of Jim Radar and Naveen Sadna; Telephone conference with Assistant U.S. Attorney, James Ingram, and Henry Frohsin regarding civil forfeiture; Internet research regarding availability of bifilars and bifilar drawings on the Internet; Conference with paralegal, Carolyn Black, regarding same; Email from Jerry Gabig regarding China research; Review Memo from Jerry Gabig to Alex Latifi regarding Buy American Act; Phone call with Henry Frohsin and Beth Latifi regarding status, Conference with Henry Frohsin regarding civil forfeiture, Phone call to Assistant U.S. Attorney, Sandy Callahan, regarding release of Axion corporate accounts; Phone call with Beth Latifi regarding payroll and other payables; Research regarding civil forfeiture procedure
6/15/2008	HIF	$562.50	1.5	$506.25	1.50	Telephone conversation with James Ingram and Jim Barger; conference with Jim Barger to review affidavits; review email from James Ingram
6/16/2008	JFB	$635.50	4.1	$571.95	4.10	Emails to and from attorneys, Rich Raleigh and Jerry Gabig, regarding efforts to contact the state department; Review affidavit of Jerry Gabig regarding same; Draft Verified Statement of Interest; Emails to and from paralegal, Carolyn Black, regarding same; Phone call to Jody at Wilmer and Lee regarding Verification, Phone call to Alex Latifi regarding Statement of Interest and release of accounts, payrolls, accounts payable, etc., Phone call from assistant U.S. attorney, Sandy Callahan, regarding civil forfeiture, Prepare and file Verified Statements of Interest; Phone call with Assistant United States Attorney, Sandy Callahan, regarding release of funds to make payroll; Phone call to Alex Latifi regarding conference with Sandy Callahan
6/16/2008	HIF	$1,537.50	4.1	$1,383.75	4.10	Emails to and from attorneys, Rich Raleigh and Jerry Gabig, regarding efforts to contact the state department; Review affidavit of Jerry Gabig regarding same; Conference with Jim Barger regarding Verified Statement of Interest; Emails to and from paralegal, Carolyn Black, regarding same, Phone call to Alex Latifi regarding Statement of Interest and release of accounts, payrolls, accounts payable, etc., Phone call from assistant U.S. attorney, Sandy Callahan, regarding civil forfeiture, Prepare and edit Verified Statements of Interest; Phone call with Assistant United States Attorney, Sandy Callahan, regarding release of funds to make payroll; Phone call to Alex Latifi regarding conference with Sandy Callahan
6/19/2008	JFB	$284.50	1.9	$265.05	1.90	Conference with Henry Frohsin regarding status, Phone call from assistant United States Attorney Sandy Callahan regarding release of funds for payroll; Telephone conference with Alex Latifi regarding same and Iran issue, Phone calls to and from Sandy Callahan regarding release of Colonial Bank Account funds, Draft correspondence to Sandy Callahan regardign release of funds
6/19/2008	HIF	$1,500.00	4	$1,350.00	4.00	Telephone call to David Estes re search and seizure of company assets and search warrant issues, review case and strategy with Dag Rose

6/20/2006	JFB	$232.50	1.5	$209.25	1.50	Phone calls to and from assistant U.S. attorney Sandy Callahan regarding release of funds; Phone calls to and from Alex and Beth Latifi regarding same; Review fax from Beth Latifi regarding vendor accounts due; Review fax from Sandy Callahan regarding Notice of Stipulation of Release of Funds; Review Notice of Stipulation of Release of Funds and Notice of Appearance filed by Sandy Callahan; Review Notice of Hearing of Status Conference; Calendar same
6/20/2006	HIF	$187.50	0.5	$187.50	0.50	Telephone call to and from Sandy Callahan
6/21/2006	JFB	$155.00	1	$139.50	1.00	Conference with Henry Frohsin regarding status of forfeiture and release of funds; Phone call with Dag Rowe regarding same
6/22/2006	JFB	$348.00	1.6	$223.20	1.60	Telephone conference with Henry Frohsin and Dag Rowe regarding status and strategy; Phone call to and from Beth Latifi regarding release of funds; Phone call to Assistant United States Attorney Sandy Callahan regarding same; Phone call with Alex Latifi regarding Defense Contract Management Agency Deficiency Report; Review Deficiency Report; Emails to Henry Frohsin regarding same
6/23/2006	JFB	$368.50	2.3	$320.65	2.30	Phone call from Alex Latifi regarding status update; Phone calls to and from Beth Latifi regarding release of funds; Phone calls to Dena Dunn at Colonial Bank and David Byrne, Colonial Bank's general counsel, regarding same; Draft Motion for Release of Funds and proposed Order; Phone call to Alex Giordano, clerk for United District Court Judge Hopkin regarding same; Phone call with U.S. Attorney's office regarding same; Phone calls to and from United States District Judge Hopkins regarding same; Review Order Granting Release of Funds; Email same to Alex Latifi; Fax same to David Byrne and Colonial Bank
6/23/2006	HIF	$1,012.50	2.7	$911.25	2.70	Telephone call to Alex Latifi, telephone call to Dag Rowe to brief concerning criminal/civil case status and plan for deposition, telephone call to Alex Latifi re: same
6/26/2006	JFB	$97.50	0.5	$69.75	0.50	Research regarding pre-indictment depositions and depositions in foreign country; Conference with Henry Frohsin regarding same
6/26/2006	HIF	$967.00	1.8	$807.50	1.90	Receipt and review Judge Hopkins'; Order Releasing Funds, conference with Jim Barger; telephone call to Alex Latifi re: same
6/27/2006	JFB	$124.00	0.8	$111.60	0.80	Conference with Henry Frohsin regarding status of civil forfeiture action; Phone call from Beth and Alex Latifi regarding Colonial Bank's failure to properly release funds; Phone call to Colonial Bank regarding same; Phone call with Henry Frohsin and Beth and Alex Latifi regarding same; Research regarding taking of depositions in foreign country
6/27/2006	HIF	$937.50	2.5	$843.75	2.50	Discussions on need for depositions and preparation for forfeiture arguments
6/28/2006	JFB	$15.00	0.1	$13.95	0.10	Phone call from Alex Latifi regarding fax
6/29/2006	JFB	$697.50	4.5	$627.75	4.50	Research regarding taking of depositions in foreign country; Prepare for federal District Court Hearing with Judge Hopkins; Hearing with Judge Hopkins; Phone call to Judge Hopkins clerk regarding Motions; Phone calls to and from Assistant United States Attorney, James Ingram, regarding second release of funds; Phone calls to and from Beth and Alex Latifi regarding same; Research and draft proposed Order releasing funds;
6/29/2006	HIF	$1,687.50	4.5	$1,518.75	4.50	Status conference attendance; various conferences with Jim Barger re answer and claim to be filed; various telecons with Beth and Alex Latifi
6/30/2006	JFB	$589.00	3.8	$530.10	3.80	Draft Proposed Order Releasing Funds; Draft Answer of Axion Corporation to Civil Forfeiture Complaint; Draft Answer of Alex and Beth Latifi to Civil Forfeiture Complaint; Phone call to Judge Hopkin's clerk regarding filing of stipulation for released of funds

6/30/2006	HF	$1,125.00	3	$1,012.50	3.00	Receipt and review proposed answer and claim; revise Answer; telephone call to Jim Ingram, telephone call from James Ingram re: bond for release of funds; telephone call to and from Jim Ingram re: same; telephone call to Alex to inform of agreement to release
7/3/2006	JFB	$77.50	0.5	$77.50	0.50	Edit Proposed Order releasing funds, Review correspondence from Beth Latifi with attached deed, Phone call to assistant U.S. Attorney, James Ingram, regarding same, Draft memo to file regarding June 29 status conference with Judge Hopkins
7/5/2006	HF	$1,125.00	3	$1,125.00	3.00	Conference with Jim Berger re: status review and revise motion for and stipulation for release of funds, coordinate release with USA office, telephone call to James Ingram for final approval of stipulation
7/5/2006	HF	$112.50	0.3	$112.50	0.30	Telephone call to Alex Latifi with update
7/5/2006	JFB	$155.00	1	$155.00	1.00	Conference with Henry Frohsin regarding status and stipulation for release of funds
7/5/2006	JFB	$341.00	2.2	$341.00	2.20	Phone call to Alex Latifi regarding property on Dan Tibbs Road; Multiple phone calls to and from Assistant United States Attorney, James Ingram regarding Joint Stipulation of Release of Funds, Draft Joint Stipulation of Release of Funds, Email same and proposed Order to James Ingram
7/6/2006	JFB	$124.00	0.8	$124.00	0.80	Phone call to and from Assistant United States Attorney, James Ingram, regarding Stipulation for Release of Funds and Proposed Order Releasing Funds; Prepare Stipulation for filing, Email Proposed Order to Court; Email filed Stipulation to Alex and Beth Latifi
7/6/2006	HF	$337.50	2.5	$337.50	2.50	Various telecons and work to release funds and post bond for same
7/6/2006	HF	$37.50	0.1	$37.50	0.10	Receipt and review letter from Dag Rowe re: name change
7/7/2006	JFB	$77.50	0.5	$77.50	0.50	Review Court Order releasing $1.275 million, Email same to Alex and Beth Latifi; Phone calls to Beth Latifi regarding same, Phone calls to and from Colonial Bank to confirm release of funds
7/10/2006	JFB	$108.50	0.7	$108.50	0.70	Conferences with Henry Frohsin regarding logistics for interviews
7/10/2006	HF	$562.50	1.5	$562.50	1.50	Conference with Jim Berger regarding logistics for interviews; telephone call to Dag Rowe to review case progress
7/11/2006	JFB	$341.00	2.2	$341.00	2.20	Conference with Henry Frohsin regarding witness interviews, Conference with Alex Latifi, Tom Mahoney, Henry Frohsin, and Jim Snellgrove
7/12/2006	JFB	$294.50	1.9	$294.50	1.90	Review and analyze file and research regarding facts and legal theories, Conference with Robert Hauberg and Henry Frohsin regarding same
7/13/2006	HF	$375.00	1	$375.00	1.00	Conference with Robert Hauberg, Jim Berger, to review the facts and theories of the defense
7/14/2006	JFB	$186.00	1.2	$186.00	1.20	Research regarding Arms Export Control Act
7/14/2006	HF	$750.00	2	$750.00	2.00	Telephone call to Alex Latifi re: witnesses, various conferences with Jim Berger re: same
7/15/2006	JFB	$31.00	0.2	$31.00	0.20	File study
7/17/2006	HF	$1,050.00	2.8	$1,050.00	2.80	Prepare for witness interviews
7/17/2006	JFB	$170.50	1.1	$170.50	1.10	Conference with Henry Frohsin regarding discovery; Phone call to Alex Latifi regarding witness interviews
7/19/2006	JFB	$248.00	1.6	$248.00	1.60	Phone call to Rick Newcomb regarding Sanctions Against Iran, Phone call to assistant U.S. Attorney, David Estes, regarding return of laptops, Phone calls to and from Alex Lash and Henry Frohsin regarding same
7/24/2006	JFB	$93.00	0.6	$93.00	0.60	Draft Interrogatories and Requests for Admission
7/26/2006	JFB	$15.50	0.1	$15.50	0.10	Phone call from Dag Rowe regarding status
7/27/2006	JFB	$15.50	0.1	$15.50	0.10	Phone call regarding status
7/28/2006	HF	$675.00	1.8	$675.00	1.80	Telephone call from Jim Snellgrove re: SA visit; telephone call to Alex Latifi re: same, conference with Jim Berger; telephone call to Dag Rowe to brief on case

7/28/2006	JFB	$217.00	1.4	$217.00	1.40	Draft and edit deposition Notice of Marcus W. Mills, Research regarding discovery of OIG investigative materials. Conference with Henry Frohsin regarding same. Phone call from Alex Latifi regarding government investigation of Addon's CPA.
8/1/2006	JFB	$31.00	0.2	$28.25	0.20	Review Government's Motion to Stay
8/2/2006	JFB	$15.50	0.1	$14.13	0.10	Review Order to Show Cause Why Motion to Stay should not be granted. Calendar same
8/7/2006	HIF	$375.00	1	$341.74	1.00	Telephone call to Alex Latifi(left message) Study file
8/7/2006	HIF	$1,125.00	3	$1,025.22	3.00	Review transcripts
8/9/2006	HIF	$262.50	0.7	$239.21	0.70	Telephone call to Alex Latifi (left message); telephone call from Alex Latifi to review case and discuss strategy going forward, conference with Jim Barger re refinements to transcripts
8/9/2006	JFB	$77.50	0.5	$70.63	0.50	Conference with Henry Frohsin regarding Government's Motion to Stay and Show Cause Order; Phone conference with U S attorney, James Ingram, regarding same; Phone call to Dag Rowe, Research regarding standard for showing ex parte evidence in support of Motion to Stay
8/10/2006	HIF	$112.50	0.3	$102.63	0.30	Telephone call from Alex Latifi
8/10/2006	HIF	$112.50	0.3	$102.63	0.30	Telephone call to Alex Latifi re. return of computer; telephone call to Mark Mills re. return of computers seized government
8/10/2006	JFB	$62.00	0.4	$56.50	0.40	Research regarding Order to Show Cause why Motion to Stay Proceedings should not be granted; Research regarding attorney-client privilege with regard to documents subpoenaed from accountant
8/11/2006	HIF	$412.50	1.1	$375.91	1.10	Conference with Jim Barger re. Motion to Stay; review Forfeiture stat for ex parte issues; telephone call to James Ingram re: same; telephone call to Dag Rowe re: status and tax issues
8/14/2006	HIF	$512.50	1.8	$512.81	1.80	Review fax from Alex; review and revise response to motion for stay; telephone call from Alex Latifi re. pending matters
8/14/2006	JFB	$604.50	3.9	$553.88	3.90	Research and Draft Opposition to Motion to Stay CW Forfeiture Proceedings; Conference with Henry Frohsin regarding same; Edit same and prepare for filing
8/15/2006	JFB	$1,023.00	6.6	$932.26	6.60	Conference with Henry Frohsin regarding motion to stay; review opposition motion, research regarding same
8/15/2006	HIF	$1,200.00	3.2	$1,093.56	3.20	Conference with Jim Barger re: motion to stay; receipt and review Motion in opposition
8/16/2006	HIF	$187.50	0.5	$170.87	0.50	Contact Mike Mills for return of property; telephone call to Alex re: same
8/21/2006	HIF	$937.50	2.5	$854.34	2.50	Revisions to and review of witness statements, conference with Jim Barger re. return of property
8/25/2006	JFB	$542.50	3.5	$494.38	3.50	Review file in preparation for client conference; Conference with Henry Frohsin, and Alex Latifi regarding status and strategy
8/25/2006	HIF	$1,125.00	3	$1,025.22	3.00	Conference with Alex Latifi re status of case
8/28/2006	JFB	$418.50	2.7	$381.38	2.70	Phone calls from Alex Latifi regarding status and strategy; Prepare for Hearing on Motion to Stay Discovery; Attend and present argument at Hearing before Judge Hopkins on Motion to Stay Discovery; Review Order granting Stay; Phone call with Alex Latifi regarding same
8/30/2006	JFB	$15.81	0.1	$14.13	0.10	Review file
8/30/2006	HIF	$187.50	0.5	$187.50	0.50	Receipt and review Order refusing to lift stay; conference with Jim Barger re same and discuss motion to alter amend
9/5/2006	HIF	$375.00	1	$375.00	1.00	Discussions with Jim Barger re: case strategy
9/6/2006	JFB	$46.50	0.3	$46.50	0.30	Phone call from Alex Latifi regarding status, Email to Henry Frohsin regarding same, Conference with Henry Frohsin and phone call with Alex Latifi regarding same
9/6/2006	HIF	$112.50	0.3	$112.50	0.30	Conference with Jim Barger re. phone call from Alex and strategy for moving forward

9/7/2006	JFB	$93.00	0.6	$93.00	0.60	Draft Motion to Amend or Vacate Court Order Granting Stay
9/11/2006	JFB	$31.00	0.2	$31.00	0.20	Review Memorandum Opinion and Order granting Motion to Stay proceedings and edit Motion to Alter or Amend same
9/11/2006	HIF	$112.50	0.3	$112.50	0.30	Review status
9/13/2006	JFB	$62.00	0.4	$62.00	0.40	Review and edit Motion to Alter or Amend, Email same to Henry Frohsin, Conference with Henry Frohsin regarding same
9/13/2006	HIF	$150.00	0.4	$150.00	0.40	Conference with Jim Barger; email from Jim Barger re Motion to Alter or Amend
9/13/2006	HIF	$1,125.00	3	$1,125.00	3.00	Discussion with Jim Barger and Alex Latifi, email Rick Newcomb, conference with Tom Mahoney re: impact on tax return, telephone call to Alex re same
9/14/2006	JFB	$31.00	0.2	$31.00	0.20	Emails to and from Rick Newcomb regarding status
9/14/2006	HIF	$450.00	1.2	$450.00	1.20	Receipt of email from Richard Newcomb re: conference call
9/15/2006	HIF	$187.50	0.5	$187.50	0.50	Telephone call from Alex Latifi re: status, conference with Jim Berger re same
9/15/2006	JFB	$46.50	0.3	$46.50	0.30	Phone calls from and to Alex Latifi regarding documents, Review same, Email to Henry Frohsin regarding same
9/20/2006	JFB	$93.00	0.6	$93.00	0.60	Phone calls with Alex Latifi
9/21/2006	JFB	$341.00	2.2	$341.00	2.20	Two conferences with Henry Frohsin, Alex Latifi, Rick Newcomb regarding comprehensive strategy; File Motion to Reconsider; Review Court docket and email from Court regarding filing
9/21/2006	HIF	$487.50	1.3	$487.50	1.30	Conference call with Alex Latifi; Rick Newcomb and Jim Berger
9/21/2006	HIF	$37.50	0.1	$37.50	0.10	Review Motion to Alter or Amend
9/22/2006	JFB	$15.50	0.1	$15.50	0.10	Review Order granting Motion to Amend
9/27/2006	JFB	$15.50	0.1	$15.50	0.10	Fax from Alex Latifi regarding need for release of funds to pay federal taxes, Forward same to Henry Frohsin
9/27/2006	HIF	$150.00	0.4	$150.00	0.40	Review email from Jim Barger re: release of funds to pay taxes; telephone call from Alex re same
9/28/2006	HIF	$37.50	0.1	$37.50	0.10	Letter from Alex stating tax liability
9/29/2006	HIF	$187.50	0.5	$187.50	0.50	Conference call with Alex Latifi, Rick Newcomb and Jim Barger
10/2/2006	JFB	$325.50	2.1	$325.50	2.10	Review client documents and draft Petition for Relief of Funds, Phone call from Alex Latifi regarding status and return of personal computers and cell phones
10/3/2006	JFB	$62.00	0.4	$62.00	0.40	Prepare and file Petition of Funds and supporting exhibit; Review filed Petition; Review Court Order Setting Briefing Schedule and Court's Briefing requirements; Calendar briefing deadlines
10/3/2006	HIF	$225.00	0.6	$225.00	0.60	Receipt of email forwarding order setting briefing schedule; conference with Jim Barger re same
10/12/2006	JFB	$108.50	0.7	$108.50	0.70	Conference with Henry Frohsin and Rick Newcomb and phone call to Alex Latifi regarding status of petition for release of funds
10/13/2006	HIF	$375.00	1	$375.00	1.00	Receipt and review letter from Dag Rowe re. tungsten products; conference with Jim Berger and Newcomb and telephone call to Latifi re: same and status of release of funds
10/13/2006	JFB	$77.50	0.5	$77.50	0.50	Review response in opposition to petition for release of funds, Email from Henry Frohsin regarding same
10/13/2006	HIF	$187.50	0.5	$187.50	0.50	Email to Jim Barger re. response in opposition to petition to release funds
10/16/2006	JFB	$108.50	0.7	$108.50	0.70	Phone call from Dag Rowe regarding status update; Memo to file regarding same, Review Gov't Opposition to Petition for Release of Funds
10/17/2006	JFB	$31.00	0.2	$31.00	0.20	Review Court order denying Petition for Release of Funds, Email to Henry Frohsin regarding same, Phone calls to and from Henry Frohsin regarding same

10/18/2006	JFB	$556.00	3.6	$556.00	3.60	Research regarding whether Court may enter Order that does not comport with previous Court-ordered briefing schedule, Phone call from Henry Frohsin regarding same, Phone calls to and from assistant U.S. Attorney, James Ingram, regarding Court's Order denying Petition for Release of Funds and Motion for Relief from Order; Research and Draft Motion for Relief from Order
10/19/2006	JFB	$248.00	1.6	$248.00	1.60	Prepare and file Motion for Relief from Order; Conference with Henry Frohsin regarding same, Email memo to Henry Frohsin regarding release of funds; Phone call with Henry Frohsin and Alex Latifi regarding same; Conference with Henry Frohsin regarding hearing with Judge Hopkins and strategic plan
10/19/2006	HIF	$675.00	1.8	$675.00	1.80	Conference with Jim Barger re: release of forfeited funds; telephone conversation with James Ingram, Jim Barger, re: same; brief in support of motion
10/20/2006	JFB	$217.00	1.4	$217.00	1.40	Review Court Order denying Rogatori; Phone calls with Judge Hopkins' clerk regarding request for oral argument and Motion to Vacate, Research regarding Petition for Release of Funds
10/23/2006	JFB	$31.00	0.2	$31.00	0.20	Research regarding release of funds to pay taxes
10/24/2006	JFB	$31.00	0.2	$31.00	0.20	Review Order vacating prior Order denying Petition for Release of Funds; Emails to Henry Frohsin and Carolyn Black regarding same; Calendar deadline for Reply Brief
10/24/2006	HIF	$75.00	0.2	$75.00	0.20	Emails to and from Jim Barger re: release of funds; receipt and review order granting motion to vacate
10/25/2006	JFB	$31.00	0.2	$31.00	0.20	Phone call from Henry Frohsin regarding Brief in support of Petition for Release of Funds, Research regarding same
10/26/2006	HIF	$187.50	0.8	$187.50	0.50	Review of Court Order re, claimant's motion for relief; conference with Jim Barger to prepare response
10/26/2006	JFB	$527.00	3.4	$527.00	3.40	Research and draft Brief in support of Petition for Release of Funds
10/30/2006	JFB	$124.00	0.8	$124.00	0.80	Conference with Henry Frohsin regarding Brief in Support of Petition for Release of Funds, Review and edit same, Prepare same for filing
10/31/2006	HIF	$375.00	1	$375.00	1.00	Receipt and review of order denying release of funds; conference with Jim Barger re same, telephone call to Alex Latifi
11/1/2006	JFB	$46.50	0.3	$46.50	0.30	Review Court Order denying Petition for Release of Funds, Conference with Henry Frohsin regarding same, Conference with Henry Frohsin regarding strategy
11/2/2006	JFB	$62.00	0.4	$62.00	0.40	Research regarding interlocutory appeal of Court's Order denying 983(f) Petition for Release of Funds
11/2/2006	HIF	$37.50	0.1	$37.50	0.10	Receipt and review letter from Dag Rowe
11/8/2006	JFB	$31.00	0.2	$31.00	0.20	Conference with Henry Frohsin regarding status
11/8/2006	HIF	$75.00	0.2	$75.00	0.20	Conference with Jim Barger re status
11/14/2006	HIF	$187.50	0.5	$187.50	0.50	Telephone call to Alex Latifi re. order denying distribution of frozen assets
11/15/2006	HIF	$750.00	2	$750.00	2.00	Review of article sent to Alex on taxes; telephone conversation with Rick Newcomb, Alex Latifi re: plan to obtain license to repatriate money to Iran and discussion of information necessary to obtain; receipt and review email from Rick Newcomb for Alex to answer questions
11/15/2006	JFB	$62.00	0.4	$62.00	0.40	Review memo from Rick Newcomb; Emails to and from Henry Frohsin and Alex Latifi regarding same
11/20/2006	HIF	$150.00	0.4	$150.00	0.40	Receipt and review email from Alex re. taxes
11/21/2006	HIF	$187.50	0.5	$187.50	0.50	Receipt and review fax from Alex re: tax issues, telephone call to Alex Latifi re same
11/21/2006	HIF	$187.50	0.5	$187.50	0.50	Motion to Amend and Vacate Order; conference with Jim Barger re same
11/22/2006	HIF	$225.00	0.6	$225.00	0.60	Email from Alex Latifi requesting conference with government; telephone call to James Ingram (vm); conference with Tom Mahoney re: tax matters
11/29/2006	JFB	$46.50	0.3	$46.50	0.30	Status Update with Henry Frohsin, Emails to and from Alex Latifi regarding tax withholding; Emails to and from Henry Frohsin and Tom Mahoney regarding same

11/30/2006	HIF	$375.00	1	$375.00	1.00	Telephone conversation with Alex Latifi, Rick Newcomb re: license issues
12/1/2006	HIF	$75.00	0.2	$75.00	0.20	Email from Alex Latifi re: discontinue license efforts
12/6/2006	JFB	$170.50	1.1	$170.50	1.10	Conference with Henry Frohsin; Review emails from Alex Latifi, Henry Frohsin, Review Court Order regarding Stay; Conference with Henry Frohsin regarding conversation with U.S. Attorney James Ingram; Draft Motion to Set Case for Trial
12/22/2006	HIF	$150.00	0.4	$150.00	0.40	Conference with Jim Berger to prepare memorandum to set for trial
12/22/2006	JFB	$31.00	0.2	$31.00	0.20	Conference with Henry Frohsin regarding Government's deadline to file status report; Prepare and file Motion to Set Case for Trial
12/28/2006	JFB	$77.50	0.5	$77.50	0.50	Review Government's Opposition to Emergency Motion for Trial Setting; Review Court Order regarding Stay and docket regarding same, Email to Henry Frohsin and Carolyn Black regarding same
12/28/2006	HIF	$187.50	0.5	$187.50	0.50	Conference with Jim Berger re: Government's opposition to Emergency Motion; review of Court Order
12/29/2006	HIF	$37.50	0.1	$37.50	0.10	Receipt and review email from Tom Mahoney re: tax filings
1/2/2007	JFB	$31.00	0.2	$31.00	0.20	Review docket and various court documents regarding status of stay and required government filings; Conference with Henry Frohsin regarding same
1/3/2007	JFB	$31.00	0.2	$31.00	0.20	Review Court docket regarding government status report; Conference with Henry Frohsin regarding same
1/5/2007	JFB	$155.00	1	$155.00	1.00	Draft Opposition to Government's ex parte status report; Phone call from and conference with Henry Frohsin regarding same; Edit and file opposition brief
1/8/2007	HIF	$375.00	1	$375.00	1.00	Receipt and review orders on Motion to Set for Trial; receipt and review Opinion denying motion; conference with Jim Berger to determine strategy
1/8/2007	JFB	$77.50	0.5	$77.50	0.50	Review filed Brief in Opposition to Government's Ex Parte Status Report; Review Court Order denying Emergency Motion to Set Trial Date; Email to Henry Frohsin regarding same; Review Court Order regarding Government's Ex Parte Status Report
1/8/2007	HIF	$37.50	0.1	$37.50	0.10	Telephone call to Dag Rowe re: status (vm'd)
1/8/2007	JFB	$263.50	1.7	$263.50	1.70	Research regarding Motion to Set Case for Trial; Conference with Henry Frohsin regarding same; Phone call to Alex Latifi regarding same
1/24/2007	HIF	$225.00	0.6	$225.00	0.60	Telephone call to Alex Latifi re: status
1/31/2007	HIF	$187.50	0.5	$187.50	0.50	Telephone call to Dag Rowe to apprise him of case status and latest developments
2/22/2007	JFB	$119.00	0.7	$119.00	0.70	Phone call from Alex Latifi regarding status and strategy; Conference with Henry Frohsin regarding same; Research regarding Motion to Unseal Status Report
2/27/2007	JFB	$51.00	0.3	$51.00	0.30	Conference with law clerk Kevin Garrison regarding Motion to Unseal Status Report
3/6/2007	JFB	$170.00	1	$170.00	1.00	Conference with Kevin Garrison regarding Motion to Unseal the Status Report and possible Motion to Vacate the court's Order regarding the stay
3/7/2007	JFB	$102.00	0.6	$102.00	0.60	Conference with law clerk Kevin Garrison regarding Motion to Unseal Status Report; Review draft Motion to Unseal Status Report
3/9/2007	JFB	$51.00	0.3	$51.00	0.30	Phone call from Ira Latifi regarding status, Email to Henry Frohsin regarding same
3/12/2007	HIF	$39.50	0.1	$39.50	0.10	Email from Jim Berger re: Alex directive to proceed.
3/13/2007	JFB	$119.00	0.7	$119.00	0.70	Edit Motion to Unseal Ex Parte Status Report; Emails to and from Henry Frohsin and Kevin Garrison regarding same; Conference with Kevin Garrison regarding same
3/13/2007	HIF	$197.50	0.5	$197.50	0.50	Revise and review motion to unseal ex parte status report.

3/30/2007	JFB	1988.00	3.5	$395.50	3.50	Phone call from Allen Lauth reply they were reserve and indictment. Phone call to Doug Rowe regard to same. Phone call to assistant U.S. Attorney James Ingram regarding same. Emails to Henry Frohlich regarding same. Conference with Henry Frohlich regarding same. Telecommunications with Henry Frohlich, Doug Rowe, and Allen Lauth Regarding same. Telecommunications with assistant U.S. Attorneys David Edelin and Ann Debrum regarding same. Research regarding waiver of right to jury. Review and analyze indictment. Emails to and from Henry Frohlich, Doug Rowe, and Rob Reingold regarding same. Research regarding indictment counts. Review email and attachments from Allen Lauth regarding Public Relations and press release. Telephone conference with Allen Lauth regarding same. Email to Allen Lauth regarding indictment.
3/30/2007	MBF	$1,975.00	.5	$1,975.00	6.00	Review article in Birmingham News, review email from Allen; telephone call to Allen re: same; telephone call to David Bates re: assignment and summons; telephone call to Doug Rowe; conference with Jon Berger re: same. Review rule 6 jury trial and government contract; review Lauth indictment.
4/4/2007	JFB	191.00	0.5	$191.00	0.50	Review email and docket entry regarding sealed Court Order and Sealed Second En Parte Status Report. Conference with Henry Frohlich regarding same.
6/18/2007	JFB	$8,850.00	4	$800.00	4.00	Phone calls with Assistant U.S. Attorneys David Edelin and Ann Debrum regarding government production documents. Phone call to their witness Henry Stallard regarding scheduling interview. Emails and phone call to assistant United States Attorney David Edelin and to Henry Stallard regarding same. Multiple conferences with Carolyn Black regarding review of government document production. Draft timeline of events. Review research memo from Dick Powers regarding affirmative defenses.
7/6/2007	JFB	$ 7.20	0.1	$117.00	0.10	Email from Damien Esdorn regarding government exceptions
7/10/2007	JFB	$51.30	0.3	$51.30	0.30	Emails from Henry Frohlich and Assistant U.S. Attorney Lloyd Peeples regarding statute of limitations on False Claims Act civil claim; Research regarding same.
7/12/2007	JFB	$3.30	0.2	$34.00	0.20	Review letter from Department of Army regarding suspension and review toward possible lifting of suspension. Conference with Henry Frohlich regarding same. Emails to and from Damien Esdorn regarding same
7/26/2007	JFB	$102.50	0.6	$102.00	0.60	Emails to and from Damien Esdorn regarding same. Emails to and from Damien Esdorn regarding same. Emails to and from Carolyn Black and Henry Frohlich regarding same. Review contract regarding same;
9/7/2007	JFB	$294.30	1.2	$294.00	1.20	Emails to and from Damien Esdorn regarding suspension; Phone call with Damien Esdorn regarding same. Draft letter to Department of Treasury
10/2/2007	JEW	$480.00	3	$480.00	3.00	In preparation for meeting with government attorneys, researched dismissing defendants, filed motion to dismiss agreements, and researched legal issues with regard to maximum statutory penalties
10/4/2007	JEW	$112.50	0.7	$0.00	0.70	Drafted motion in response to government's pleadings regarding motion to dismiss
11/2/2007	JFB	$170.00	1	$170.00	1.00	E-mails
11/6/2007	JFB	$253.50	1.5	$255.00	1.50	Review Civil Forfeiture Complaint; Phone call to James Ingram regarding same; Phone call to Judge Johnson's chambers regard return of trial exhibits; Conference with Henry Frohlich regarding strategy on civil forfeiture
11/6/2007	JFB	$765.00	4.5	$765.00	4.50	Emails to and from Damien Esdorn regarding filing of suspension; Conference with Henry Frohlich regarding possible CAFRA petition against Government; Phone calls to and from Assistant United States Attorney James Ingram regarding civil forfeiture action; Emails and phone calls to and from Allen and Barb Lauth regarding suspension and civil forfeiture action; Conference with Carmeline Long regarding same; Research regarding same
11/12/2007	JFB	$170.00	1	$170.00	1.00	Research regarding pending civil forfeiture and possible qui tam actions

11/13/2007	JFB	$867.00	5.1	$867.00	5.10	Multiple conferences with Henry Frohsin regarding lifting of suspension, return of seized property, and strategy for dismissal of civil forfeiture; Research regarding dismissal of civil forfeiture; Phone calls to United States Attorney regarding same; Conferences with Henry Frohsin, Alex and Beth Latifi regarding same
11/14/2007	JFB	$527.00	3.1	$527.00	3.10	Phone calls to and from Assistant United States attorneys regarding dismissal of civil forfeiture and return of seized property; Conference with Henry Frohsin regarding same; Phone call to Alex Latifi regarding same
11/15/2007	JFB	$527.00	3.1	$527.00	3.10	Review Government's Motion to Dismiss Civil Forfeiture; Research regarding same; Phone calls from CID agents Bakehold and Heath regarding return of seized property; Draft Response brief to Motion to Dismiss; Phone call from Alex Latifi regarding release of bank funds and status of civil forfeiture; Conferences with Henry Frohsin regarding same
11/15/2007	HF	$382.50	1.5	$382.50	1.50	Edit and file claimant's response to motion to dismiss; conference with Jim Berger re: same.
11/16/2007	JFB	$880.00	4	$880.00	4.00	Review Court Order regarding Government's application for certificate of reasonable cause in civil forfeiture; Research regarding same; Conference with Henry Frohsin regarding same; Multiple calls to Assistant United States Attorney James Ingram regarding same; Draft Joint Agreement Regarding Civil Forfeiture; Draft Joint Order regarding same; Teleconference with Emails to and from Assistant United States Attorney James Ingram regarding same; Prepare same for filing
11/19/2007	JFB	$357.00	2.1	$357.00	2.10	Conference with Henry Frohsin and Elliot Weitheil regarding brief requesting attorney's fees and costs from Government; Research regarding same; Review Court Order regarding same
11/19/2007	JEW	$1,280.00	8	$1,280.00	8.00	Research and drafting brief re: basis for attorney's fees in civil forfeiture action
11/21/2007	JEW	$1,424.00	8.9	$1,424.00	8.90	Drafted brief in support of claim for attorneys' fees and costs
11/20/2007	HF	$790.00	2	$790.00	2.00	Conference with Jim Berger re: brief to Judge Hopkins. Edits to affidavit and work on submission to Court for attorney fees and costs
11/20/2007	JFB	$255.00	1.5	$255.00	1.50	Continue researching request for attorney's fees. Begin drafting brief regarding same with Elliot Weitheil
11/21/2007	JEW	$528.00	3.3	$528.00	3.30	Completed draft of brief in support of claims for attorney's fees
11/21/2007	HF	$1,108.00	2.8	$1,108.00	2.80	Edits to submission, read and review government motion to withdraw motion to dismiss, review government brief in support of certificate of reasonable cause; conference with Jim Berger and make modifications to affidavit and brief. Conference with Jim Berger to discuss ongoing strategy.
11/21/2007	JFB	$442.00	2.8	$442.00	2.80	Complete Brief requesting attorneys' fees; Edit same; Conference with Henry Frohsin regarding edits to same; Prepare same for filing and oversee filing of same
11/26/2007	JFB	$1,020.00	6	$1,020.00	6.00	Research and draft Opposition Brief in response to Government's position for certificate of reasonable cause; Conference with Henry Frohsin regarding same and strategy for same; Review attorney notes from trial regarding same; Review CID affidavits and Grand Jury testimony regarding same
11/27/2007	JFB	$1,190.00	7	$1,190.00	7.00	Research and draft Brief in Opposition to Government's Request for Certificate of Reasonable Cause; Conference with Henry Frohsin regarding same; Edit and complete same and prepare for filing. Review filed copy; Phone calls with NASA OIG agent Ezra Heath regarding return of tungsten blanks to Aston Corporation; Phone calls to Marc Hull regarding same; Phone call to Alex Latifi regarding same and regarding other issues
11/28/2007	JFB	$51.00	0.3	$51.00	0.30	Emails to and from Alex Latifi regarding trial transcript and pending motions and briefs before Judge Hopkins regarding attorney's fees and certificate of reasonable cause; Phone calls from Henry Frohsin regarding same
11/29/2007	HF	$395.00	1	$395.00	1.00	Review response to government.

11/29/2006	JFB	$85.00	0.5	$83.00	0.50	Review Government notice of release of Hi pendants' Emails to and from Campbell Band officers regarding release of bank records; Conference with Henry Frohlich regarding same. Emails to and from assistant Laney Hesscorn regarding same.
11/30/2006	JFB	$170.00	1	$170.00	1.00	Phone calls to and from Alan Hoff, Newport Sasamia, and Alan Ladd regarding Government motion to Dismiss.
12/07/2006	JFB	$170.00	1	$170.00	1.00	Phone calls to and from Dag Rowe, Vinnie Nolan, and Stacey Shirley regarding recording Removal of Lis Pendens
12/07/2006	JEW	$336.00	2.1	$336.00	2.10	Editing and redoing affidavit; organizing materials for petitioning the court to issue subpoenas and serving them of officials
1/16/2006	JFB	$153.00	0.9	$122.76	0.90	Conference with Henry Frohlich regarding status and attorney fee petition. Phone call with Alan Ladd regarding same
1/31/2006	MEF	$114.50	0.3	$119.50	0.30	Conference with Jim Berger re: consolidation of the cases before Judge Johnson.
2/4/2006	JFB	$300.00	1	$130.46	1.20	Emails to and from Mark Hoff regarding Scott Dodson; Conference with Henry Frohlich regarding attorney fee issues before Judge Johnson and letters to competitors; Phone calls to and from Alan Ladd; Emails to and from Beth Ladd regarding bad transaction checks/ bill
2/11/2006	JFB	$240.00	1.2	$153.58	1.20	Prepare argument for hearing regarding petition for attorneys' fees; Emails to and from Catherine Long regarding same
2/13/2006	JFB	$1,940.00	7.7	$1,235.36	7.70	Prepare for hearing regarding petition for attorney's fees. Research and analysis case law regarding same. Conference with Henry Frohlich and Catherine Long regarding same. Attend hearing regarding attorney's fees. Conference with Alan Ladd, Beth Ladd, Henry Frohlich, and Catherine Long regarding same
2/15/2006	JFB	$180.00	0.9	$126.37	0.90	Conference with Henry Frohlich regarding subpoenas to Government officials; Phone calls and emails with Beth Ladd and Alan Ladd
2/15/2006	JFB	$ 90.00	0.5	$126.37	0.90	Review potential payment of attorney
2/16/2006	JFB	$ 90.00	0.5	$144.42	0.90	Conference with Henry Frohlich regarding subpoenas of government officials and Presidential; Conference with Elbit Whitsell and Catherine Long regarding same
2/18/2006	JFB	$210.00	0.8	$126.37	0.80	Phone call and conference with Henry Frohlich regarding CAFRA fee petition; Outline possible civil discovery plan
2/20/2006	JEW	$171.00	0.7	$99.48	0.70	Reviewed material for subpoenas in preparation for recusals with regard to the attorney fee hearing set for April. Worked with J. Berger, H. Frohlich, and C. Long on preparing for the hearing set for April on our claims for attorneys'
2/20/2006	JEW	$238.00	1.7	$231.67	1.70	fees
2/20/2006	JEW	$84.30	0.4	$54.96	0.40	Research on legal standards related to attorney fee motions
2/20/2006	CCL	$280.00	1.7	$269.00	1.70	Conducted Research and Preparation for pending CAFRA Hearing and response to Government's Motions filed with Court
2/21/2006	JFB	$103.01	0.6	$80.23	0.50	Conference with Henry Frohlich regarding subpoenas; Review draft correspondence regarding same; Review and edit correspondence to Government regarding civil discovery
2/21/2006	JEW	$119.00	0.7	$68.48	0.70	Prepared my materials for subpoenas sent to witnesses needed for hearing on CAFRA claim
2/22/2006	CCL	$357.00	2.1	$296.42	2.10	Drafting Response to Government's Motion to Dismiss Civil Forfeiture Action re: opposition due to pending discovery and withdrawal / motion for attorney fees under CAFRA
2/22/2006	JFB	$90.00	0.5	$49.14	0.50	Review and edit Opposition to Government's Motion to Dismiss; Conference with Catherine Long and Henry Frohlich regarding same

2/23/2009	CCL	$782.00	4.6	$827.40	4.60	Drafting Response in Opposition to Government's Motion to Reconsider Court's Order, that the Government cannot establish clear error, intervening change in law or new evidence, and it is not necessary to prevent manifest injustice
2/25/2008	CCL	$1,108.00	6.5	$986.58	6.60	Editing response to Government's motion for reconsideration, drafting discovery to government, including requests for admission, production, and interrogatories for CAFRA petition for fees.
2/25/2008	JFB	$180.00	0.9	$144.42	3.90	Review and edit requests for production, Requests for Admission, and Interrogatories; Emails to and from and conference with Catherine Long regarding same
2/28/2008	CCL	$170.00	1	$136.39	1.00	Revising interrogatories, requests for production, request to admit to government for assistance in pending CAFRA motion for attorney fees
2/28/2008	JFB	$360.00	1.8	$288.83	1.80	Review and edit civil discovery; Conference with Henry Frohsin and Catherine Long in preparation for hearing on attorney's fees
2/27/2008	CCL	$867.00	4.1	$569.21	4.10	Revising/ Drafting Requests for Production, Interrogatories and Requests for Admission for assistance in pending CAFRA proceedings
2/27/2008	JFB	$280.00	1.4	$224.85	1.40	Conference with Catherine Long regarding civil discovery plan and edits to Interrogatories, Requests for Production, and Requests for Admission; Review and edit same
2/26/2008	JFB	$230.00	1.1	$178.90	1.10	Edit Requests for Production, Requests for Admission, Interrogatories, Conference with Catherine Long regarding same
2/26/2008	CCL	$816.00	5.4	$736.52	5.40	Re-Drafting Discovery for service on Government for assistance in upcoming CAFRA hearing
2/29/2008	JFB	$200.00	1	$160.46	1.00	Review, analyze, and edit discovery documents and motion; Conference with Henry Frohsin and Catherine Long regarding same
2/28/2008	CCL	$1,105.00	6.5	$998.53	5.90	Finalizing Discovery to Government, drafting motion to lift stay in civil forfeiture action to file discovery, drafting rejoinder to government reply to defendant's response to motion seeking reconsideration
3/3/2008	JFB	$240.00	1.2	$240.00	1.20	Phone call with Elliot Walthall regarding Freedom of Information Act and Privacy Act requests; Review Court Order lifting stay of discovery; Conference with Henry Frohsin and Catherine Long regarding discovery planning and deposition; Conference with Henry Frohsin regarding strategy; Phone call to Alex Lefft regarding status
3/4/2008	JFB	$320.00	1.6	$320.00	1.60	Review and analyze Motion to Quash, Conferences with Henry Frohsin and Catherine Long regarding same
3/5/2008	JEW	$170.00	1	$170.00	1.00	Conducted research in furtherance of serving our subpoenas on SA Mark Mills and SA Laura Bailey
3/6/2008	JEW	$935.00	5.5	$935.00	5.50	Continued efforts to obtain service of subpoenas on Mills and Bailey
3/12/2008	JFB	$320.00	1.6	$320.00	1.60	Conference with Henry Frohsin and Elliot Walthall regarding strategy and task list for discovery and hearings on CAFRA and Hyde petitions. Phone conference with Henry Frohsin and Assistant U.S. Attorney regarding possible resolution and withdrawal of certificate of reasonable cause. Conference with Henry Frohsin regarding rectification of sameConference with Catherine Long, Henry Frohsin, and Elliot Walthall regarding attorney fee petitions and strategy
3/12/2008	CCL	$1,088.00	6.4	$1,088.00	6.40	Drafting Response to Government Motion to Quash/ Protective Order
3/12/2008	JEW	$697.00	4.1	$697.00	4.10	Conference with Jim Barger and Henry Frohsin regarding preparation for the upcoming CAFRA hearings, worked with Catherine Long on responding to government motions, noticing depositions of government attorneys and agents, and subpoenaing same. Conference with Jim Barger, Henry Frohsin, and Catherine Long regarding same

3/13/2006	JFB	$540.00	2.7	$540.00	2.70	Review and analyze Government's Motion for Protective Order and Notice of Request for Issuance of a Certificate of Reasonable Cause, Conference with Catherine Long regarding same, Review Notice of Appearance of Assistant United States Attorney JerryGmith; Review and analyze Order on Motion for Protective Order; Conference with Catherine Long, Elliot Walthall and Carolyn Black regarding same; Phone call with Henry Frohsin regarding new Motion to Reconsider and various additional filings by Government; Review and analyze same. Conference with Henry Frohsin regarding strategy for response to same
3/13/2006	CCL	$901.00	5.3	$901.00	5.30	Drafting Response to Government Motion for Protective Order; Researching case requirements for "final order," determining whether appeal period has run on denial of Government Motion to Dismiss
3/13/2006	JEW	$102.00	0.6	$102.00	0.60	Conference with Jim Barger and Catherine Long of governments motions to quash subpoenas and preclude our discovery; also strategy for filing possible Bivens-style action against U.S. attorneys
3/14/2006	JEW	$306.00	1.8	$306.00	1.80	Conference with Catherine Long regarding government's motions to oppose discovery; workad on service of subpoenas on all agents and attorney's whose presence is required at April 14 hearing; review of CAFRA legislation and legal standards
3/17/2006	CCL	$1,530.00	9	$1,530.00	9.00	Drafting Response to Government Motion to Reconsider denial of Motion for Protective Order; conference regarding emergency hearing before Magistrate Armstrong; Argument preparation for emergency hearing
3/17/2006	JEW	$119.00	0.7	$119.00	0.70	Reviewing latest pleading filed by government - to reconsider the Court's lift of the stay; conference with Catherine long re: same
3/18/2006	CCL	$1,449.00	8.7	$1,449.00	8.70	Final revision of Response to Government Motion for Reconsideration; Preparation for Hearing Arguments and argument at hearing before Magistrate Armstrong; research on "final order" status of denial of motion to dismiss and impact on appeal timeline
3/18/2006	JEW	$68.00	0.4	$68.00	0.40	Conference with Catherine Long re. favorable ruling on government's motion to quash subpoenas/stay discovery, as well as the government's ability to appeal certain rulings by the Court
3/18/2006	JFB	$100.00	0.5	$100.00	0.50	Phone calls and emails to and from Henry Frohsin and Catherine Long regarding Government's ex parte conference and hearing with Magistrate Armstrong on Motion to Reconsider
3/19/2006	CCL	$1,020.00	6	$1,020.00	6.00	Review of Government filing today appealing Magistrate's order to district court; Initial research on response, conference with Judge Hopkins regarding manner of proceeding, stay of case until Judge Johnson returns; draft of proposed order; conference with co-counsel regarding pending depositions of Laura Badley, James Ingram
3/19/2006	JEW	$1,139.00	6.7	$1,139.00	6.70	Reviewed government's filing in response to magistrate judge's Order denying their emergency motion; Conference with Jim Barger and Henry Frohsin - preparation for depositions scheduled for next week as well as other aspects of the preparation for attorney's fee hearings; conference call with Judge Hopkins re: depositions and discovery motion filed by government; Drafted memorandum summarizing hearing with Judge Hopkins
3/19/2006	JFB	$900.00	4.5	$900.00	4.50	Emails to and from AUSA Bill Athanas, Catherine Long, and Henry Frohsin regarding Government's Objections to Magistrate's Order; Review Government's Brief regarding same; Review transcript of March 18 hearing before Magistrate; Conference with Catherine Long and Elliott Walthall regarding same; Conference with Henry Frohsin, Catherine Long, Elliot Walthall, and Carolyn Black in preparation for depositions of Alice Martin, Laura Badley, and James Ingram; Telephone hearing with Hopkins regardingGovernment's Objections to Magistrate's Order; Review and edit proposed Order regarding same; Emails to and from AUSA Athanas and Catherine Long regarding same;Conference with Henry Frohsin regarding hearing with Judge Hopkins, ramifications, and strategy
3/20/2006	JFB	$100.00	0.5	$100.00	0.50	Review August 28 2006 Order Granting Stay and related pleadings

3/20/2008	JFB	$400.00	2	$400.00	2.00	Review and analyze Government's Motion For Reconsideration of Order Lifting Stay and Opposition to Government's Motion and Motion to Strike. Review and analyze case law regarding same
3/23/2008	JEW	$340.00	2	$340.00	2.00	Preperation for depositions and attorneys fee hearing
3/28/2008	OCL	$697.00	4.1	$697.00	4.10	Researching appeals process; final order status of denial of Motion to Reconsider. Researching whether the denial of a motion for protective order can be appealed interlocutory or requires collateral order doctrine
3/28/2008	OCL	$1,139.00	6.7	$1,139.00	6.70	Revising Response to 11th Circuit Petition, Motion to Stay; Conference with Jim Barger regarding Motion revisions, filing with 11th Circuit
4/3/2008	OCL	$306.00	1.8	$0.00	0.00	Conference regarding drafting of Memorandum in support of attorneys fees in Civil Forfeiture
4/3/2008	JEW	$381.00	2.3	$0.00	0.00	Conference with Henry Frohsin regarding motion to be drafted in support of fee award; research into precedent regarding award of fees under CAFRA; research into CAFRA legislative history
4/8/2008	OCL	$306.00	1.8	$0.00	0.00	Press interview with ABA Journal regarding recent CAFRA award of attorneys fees
		$106,892.50	477.6	$98,776.08	471.80	

Amount to be deducted			
Total Base Amount			105692.50
Total Billed Amount			98876.08
Total Deduction			6816.42

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Appendix C

Unidentified Individuals

Criminal Case

Date	Biller	Hours Worked	Rate	Billed Amount	Hours Billed	Description
5/9/2007	CRJ	$830.00	1.20	$830.00	1.20	PC H. Frohsin, J. Barger; reviewed indictment, suspension letter and FAR 9.407; conference DME, email to J. Barger; pc to E. Hirschhorn.
5/14/2007	KRG	$48.00	0.40	$48.00	0.40	Research and draft memo re: criminal procedure elements; meet with Jim Barger to discuss memo
5/16/2007	KRG	$264.00	1.70	$264.00	1.70	Research and summarize relevant criminal procedural elements; review superseding indictment; review statutory punishments for each count
5/15/2007	RAP	$1,155.00	10.50	$1,155.00	10.50	attended arraignment in Huntsville
5/16/2007	KRG	$132.00	1.10	$132.00	1.10	Research statutory punishments for individuals and corporations; discuss assignment with Jim Barger
5/15/2007	KRG	$312.00	2.60	$312.00	2.60	Draft a motion for bill of particulars; discuss motion with Jim Barger; email draft to Jim Barger
5/16/2007	KRG	$156.00	1.30	$156.00	1.30	Draft motion for discovery
5/17/2007	KRG	$504.00	4.20	$504.00	4.20	Draft request for discovery; email draft to Jim Barger
5/21/2007	KRG	$312.00	2.60	$312.00	2.60	Research/analyze possible sentence ranges from the Sentencing Guidelines; email spreadsheet, results and summary to Jim Barger
5/22/2007	KRG	$180.00	1.50	$180.00	1.50	Draft criminal procedure outline/spreadsheet
5/23/2007	SKP	$528.00	4.40	$528.00	4.40	Researched requirement of Prosecutor's consent to waiver of jury trial
5/23/2007	KRG	$72.00	0.60	$72.00	0.60	Research & summarize pre-trial criminal procedure options
5/24/2007	SKP	$588.00	4.90	$588.00	4.90	Drafted memo re: requirement of government consent for a defendant to waive his right to a jury trial
6/13/2007	CCH	$264.00	1.20	$264.00	1.20	Receipt and review of memo from Dick Powers, summer associate re charges and elements and analysis of available defenses; conference with Dick Powers re proposed revisions to same
6/5/2007	Nolen, VH	$138.00	0.80	$138.00	0.80	Reviewed the motion to dismiss counts one and six
6/7/2007	AMG	$54.00	0.40	$54.00	0.40	Conference with attorney James F. Barger, Jr. and paralegal Carolyn Black regarding case status and trial preparation; receipt of case summary and key pleadings/documents
6/10/2007	AMG	$526.50	5.10	$526.50	5.10	Coordinate initial war room setup for trial preparation with legal runners, meetings with attorneys Henry I Frohsin and James F. Barger and paralegal Carolyn Black to begin trial preparations
6/11/2007	AMG	$702.00	5.20	$702.00	5.20	Create electronic file of Rule 16, forward same to attorneys, receipt of witness list from paralegal Carolyn Black; conferences with same, continue trial preparation, including research on witnesses and creation of reports, status meeting with Ms. Black, continue research on witnesses and creation of reports/bio folders

9/12/2007	LAH	$188.00	1.30	$195.00	1.30	Installation of CaseMap; training on CaseMap for Carolyn Black and Angela Garrett, corrected
9/12/2007	AMO	$253.50	2.10	$269.50	2.10	deliberations to enable users to search properly Review of emails from paralegal Carolyn Black regarding progress of research, update efile; continue trial preparation
9/13/2007	LAB	$174.00	1.20	$174.00	1.20	Review materials on Chandler Advanced Systems, Ellmaline Pemberton and Pemberton Trading Co.; search Alabama and California secretary of state website for information on both companies; order copy of incorporation documents on Chandler Advanced Systems
9/14/2007	LAB	$101.50	0.70	$101.50	0.70	Search California Secretary of State and Santa Clara Court Clerk records for information on Endurogram
9/14/2007	AMO	$175.50	1.30	$175.50	1.30	Trial preparation meeting with paralegal Carolyn Black; begin work on trial subpoenas; conference with Federal Court Clerk
9/16/2007	AMO	$270.00	2.00	$270.00	2.00	Trial preparation
9/17/2007	AMO	$27.00	0.20	$27.00	0.20	Review Rules regarding subpoenas; brief conference with paralegal Carolyn Black regarding same; notes on file
9/17/2007	LAB	$87.00	0.60	$87.00	0.60	Receipt of copy of articles of incorporation of Chandler Advanced Systems, Inc. from the Alabama Secretary of State; research address on Pickland Road in Huntsville and print aerial picture of same Begin drafting subpoenas; receipt and brief review of emails from attorney James F. Barger; brief
9/17/2007	AMO	$27.00	0.20	$27.00	0.20	conference with paralegal Carolyn Black
9/19/2007	AMO	$135.00	1.00	$135.00	1.00	Trial preparation; research on witnesses; continue work on subpoenas
9/24/2007	AMO	$13.50	0.10	$13.50	0.10	Receipt and review of Order regarding motion filed under seal; update efile
10/1/2007	DFR	$120.00	0.80	$120.00	0.80	Receive and prepare trial subpoena for service on H. Strickland
10/15/2007	DGC	$68.00	0.40	$68.00	0.40	Discussion re: trial including handwriting expert
10/16/2007	DGC	$154.00	1.10	$154.00	1.10	Preparation of charts of exhibits to be available at trial
10/17/2007	DGC	1952.00	9.90	$952.00	9.80	Trial preparation including lengthy conference with Fortinb, Barger and Black re: preparation of charts of diagrams/exhibits to be used at trial; discussions re: status of service of witnesses
10/18/2007	AMO	$42.50	0.30	$42.50	0.30	Conference with attorneys Harvey Fortinb and James F. Barger, Jr.; conferences with AL Department of Wildlife Conservation; obtain regulations for 2003 deer hunting season; forward same to Mr. Barger; update efile
10/18/2007	DGC	$798.00	5.70	$798.00	5.70	Trial preparation including drafting of charts to be used as trial exhibits; lengthy conferences with Black and DTI re: enlargement of exhibits to be used at trial; preparation of exhibits to be used at trial; lengthy conference with Fortinb, Barger and Black re: trial; several telephone conferences with investigator re: Lemley; review of Judge's rules re trial
10/19/2007	DGC	$1,001.00	7.20	$1,008.00	7.20	Trial preparation including review, organization and labeling of trial exhibits; drafting of timeline to be used as trial exhibit; discussions re: fluid exhibit and witness lists; discussion re: status of service of all trial subpoenas; discussion re: additional documents produced by Ferranti; numerous telephone conferences with Merritt re: preparation of work room for trial
10/22/2007	DGC	$168.00	1.20	$168.00	1.20	Location and hiring of unrelated Motion to Dismiss to Fortinb; several conferences re: trial location and review of Stickrod information

10/23/2007	DGC	$70.00	0.50	$70.00	0.50	Discussion re witnesses
10/25/2007	DGC	$70.00	0.50	$70.00	0.50	Location and transmittal of superseding indictment to witness
10/26/2007	DGC	$70.00	0.50	$70.00	0.50	Discussion re: continuation of trial and witnesses remaining
10/30/2007	DGC	$882.00	6.30	$882.00	6.30	Telephone conference with Saxena re: court time, attendance at trial; conferences with Black, clients and witnesses
	Total		91.60	$12,543.00		

Civil Case

6/29/2006	Fortson, M	$250.00	2.5	$225.80	2.50	Attended status conference with Henry Frohsin and Jim Barger and researched civil forfeiture and substitute assets to support motion for release of seized property
8/30/2006	DGC	$54.00	0.4	$49.14	0.40	Location, review and discussion re: Judge Hopkins' Order; discussion re: filing of Motion to Alter or Amend
9/11/2006	DGC	$67.50	0.5	$67.50	0.50	Drafting of Defendant's Motion to Alter or Amend; discussion re: Motion with Barger
9/13/2006	DGC	$40.50	0.3	$40.50	0.30	Drafting of Defendant's Motion to Alter or Amend
2/27/2007	KRG	$24.00	0.2	$24.00	0.20	Research re: motion to unseal status report
3/6/2007	KRG	$684.00	5.7	$684.00	5.70	Research re: motion to unseal status report
3/7/2007	KRG	$480.00	4	$480.00	4.00	Draft motion to unseal ex parte status report
7/20/2007	MAD	$200.00	2	$200.00	2.00	Research contractor's liability when government terminates for convenience, and report findings
7/24/2007	MAD	$200.00	2	$200.00	2.00	Review contract for applicable termination clauses, draft explanation of parties' obligations and limitations therein
10/29/2007	DGC	$420.00	3	$420.00	3.00	Discussion re: remaining witnesses; location and review of docket on civil forfeiture; trial; Speed Brad's updated report to Dreier
	Total		$17.60	$2,390.14		

Amount to be deducted for unidentified individuals	
Hours billed for unidentified individuals	$109.20
Amount billed for unidentified individuals	$14,933.14
Total deduction for unidentified individuals	$14,933.14

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Appendix D

Carolyn Black's Hours

Civil Cases

[redacted]						
6/9/2006	CJB	$175.00	2.8	$340.20	2.80	Conference with Jim Berger re status, litigation strategy, assignments, review docket re assignment of Judge, pleadings filed; review verified complaint by Pam, memo re: for arrest; legal research re: cited statutes, further review of pleadings re pending deadlines, work on review of file and cited documents; start research on/re motion filing lien issues
6/12/2006	CJB	$210.00	1.3	$208.65	1.70	Additional lien, property research on Acton Corporation; review/organize client documents forwarded by Jim Berger; review Jim Berger memo; review Federal Rules of Civil Procedure re arbitrary deadline imposed by United States in warrant
6/19/2006	CJB	$210.00	0.7	$68.85	0.70	Conference with Jim Berger re additional research to perform concerning information on affidavit/wrongful; research same, review docket for possible additional government filings
6/16/2006	CJB	$445.10	3.3	$400.95	3.30	Emails to and from Jim Berger re: verified statements of interest; work with Jim Berger on review and revisions of verified statements of interest re: Acton Corporation, Allen and Beth Latiff, several telephone calls, emails with Joel Eisenman at Wilmer and Smith re same, edit verification pages for statements, finalize verified statements of interest for filing; review PACER docket to confirm filing of same, review documents from client re: summary of accounts, forward to Assistant U. S. Attorney Sandy Callahan; review and index all pleadings filed/docketed; further review of warrant, notice of issuance of complaint and email to Jim Berger re: deadlines for filing of answer; filing of claimant; work on earlier and organization of research re: latter weight assembly
6/19/2006	CJB	$411.00	0.6	$72.90	0.60	Review email from Jim Berger re representation issue; review court docket re: status of executed warrant; draft notices of appearance for Harriet Ivy and Jim Berger; edit; finalize, file same
6/23/2006	CJB	$211.01	0.6	$72.90	0.60	Receipt and review of order releasing funds, discussion with Jim Berger re Colonial Bank issues, lengthy telephone call with Colonial Bank representative re: same; forward court order to Colonial Bank counsel; calendar deadlines from order releasing funds
6/30/2006	CJB	$411.00	0.6	$72.90	0.60	Status update from Jim Berger; review pleadings and update notice
7/3/2006	CJB	$27.00	0.2	$27.00	0.20	Receipt/review original deed held as collateral for release of funds; draft correspondence to Beth Latiff re same; email to Jim Berger
7/5/2006	CJB	$27.00	0.2	$27.00	0.20	Edit/finalize correspondence to Beth Latiff re: original deed used for collateral
7/11/2006	CJB	$54.00	0.4	$54.00	0.40	Discussion with Jim Berger re: preparation for Henry Frohsin interviews, start review of file documents and preparation of documents re same

4/1/2008	CJB	158.00	0.4	$0.00	0.00	Review/download/organize court docket, recently received orders; update pleadings files; review/organize additional client documents.
	Total		33.6	$4,709.68		

Criminal Case

Date						
4/23/2007	CJB	$42.00	0.30	$42.00	0.30	Review court orders re. indictment issues, review court docket, emails with Jim Barger
4/25/2007	CJB	$51.00	0.40	$56.00	0.40	Conference with Jim Barger re: status; telephone call to client's office re: unsecured bond; further conference with Jim Barger re: unsecured bond
4/29/2007	CJB	$51.00	0.40	$56.00	0.40	Review documents related to criminal proceedings and organize same
5/4/2007	CJB	$71.00	0.50	$70.00	0.50	Conference with Jim Barger re: review and organization of documents, work on review and organization of documents
5/7/2007	CJB	$84.00	0.60	$84.00	0.60	Conference with Jim Barger; work on review/download/organization of documents related to Kary Warren criminal proceedings
5/10/2007	CJB	$42.00	0.30	$42.00	0.30	Telephone calls with court reporter Penny Enoch re: obtaining transcript from Kary Warren plea hearing; work on review and organization of documents
5/11/2007	CJB	$224.00	1.60	$224.00	1.60	Several telephone calls with court reporter Penny Enoch re: obtaining copy of 3/28/08 plea proceedings transcript for Kary Warren, review court docket, pleadings; update pleadings file and index; work on review/organization of file documents
5/14/2007	CJB	$406.00	2.90	$406.00	2.90	Work on review/organization of documents for 5/15/07 meetings, several telephone calls with court reporter Penny Enoch re: 3/28/08 Kary Warren plea hearing transcript; obtain and review transcript; review/organize/index pleadings concerning Kary Warren criminal proceedings, work on additional preparation for 5/15/07 meetings
5/16/2007	CJB	$84.00	0.60	$84.00	0.60	Review and organize production from Government; email to Jim Barger re. missing or withheld documents from same; telephone call to court reporter re. hearing transcript from Kary Warren arraignment hearing
5/17/2007	CJB	$42.00	0.30	$42.00	0.30	Review court docket, pleadings; update pleadings files and index
5/22/2007	CJB	$56.00	0.40	$56.00	0.40	Review court docket, recently filed pleadings, update pleadings files, work on organization of documents from hearing
5/30/2007	CJB	$70.00	0.50	$70.00	0.50	Emails with Jim Barger re: response to Aston suspension letter from Department of Army; review of correspondence from Department of Army re: same, telephone call to federal court reporter re: Kerry Warren arraignment hearing transcript from 2/08
6/1/2007	CJB	$210.00	1.50	$210.00	1.50	Work on review of supplemental Government production CD; review recently filed pleadings, organize/update pleadings file and index; review/organize additional client documents in preparation for pre-trial hearing
6/4/2007	CJB	$672.00	4.80	$672.00	4.80	Work on review/analysis of supplemental Government production CD from 5/31; work on download/organization of same for further review by Henry Frohsin and Jim Barger

6/8/2007	CJB	$770.00	5.50	$770.00	5.50	Review/organize/preparation of documents for HIF and client meeting, attend meeting with Alex Lerch; Beth Latifi, Harriet Ivy; Accurint research re. Henry Stolkrod, further conference with Alex and Beth Latifi re: additional information needed
6/11/2007	CJB	$784.00	5.60	$784.00	5.60	Conference with Jim Barger re: information received from 6/8 ...nt meeting, further conference with Jim Barger, Henry Frohsin, Dick Powers re: same; discovery issues, work on editing draft spreadsheet of document review with client responses, telephone call with Beth Latifi re Department of Army suspension letter response; review/analyze Government Discovery Notebook at U. S. Attorney's office, receipt/review additional pleadings, update pleadings files and index; further review of ProtectiveOrder entered by court re. Government document review issues
6/12/2007	CJB	$924.00	6.60	$924.00	5.60	Review/analyze Government Discovery Notebook at U. S. Attorney's office; conference with Jim Barger, Henry Frohsin re: same; review documents and drafting of cast of characters for discovery and witness interview purposes, work on additional glossary of key terms re: same, work on review of 6/11 CD of Government email production; review/organize additional research materials; work on research re: Sikorsky bifilar issues
6/13/2007	CJB	$644.00	4.60	$644.00	4.60	Work on review of CD with supplemental Government production; work on drafting of cast of characters and glossary of terms, several conferences with Jim Barger re: production issues
6/14/2007	CJB	$434.00	3.10	$434.00	3.10	Work on review of pleadings and drafting of issues statements; work on drafting cast of characters; review invoices provided by client re: Tungsten Product invoices, work on review of CD of Government production
6/15/2007	CJB	$504.00	3.60	$504.00	3.60	Work on update and drafting of cast of characters with information obtained from Government Discovery Notebook, telephone calls with Alex Latifi, Beth Latifi re: document review status, work on review/organization of Government production, work on review of 6/11 CD of Government email production
6/18/2007	CJB	$714.00	5.10	$714.00	5.10	Numerous conferences with Jim Barger re: Government Discovery Notebook and additional Government discovery issues, work on updating cast of characters, issues spreadsheet; telephone call with client re: status of review of Government production, review status of Kay Warren proceedings; work on review and editing of Government Discovery Notebook summary
6/19/2007	CJB	$658.00	4.70	$658.00	4.70	Review/analyze Government Discovery Notebook at U. S. Attorney's office, review and edit draft itemization of same; attend lengthy telephone conference with U. S. Attorney David Estes re Government email production; conferences with Jim Barger re: same; review of Government production for information regarding First Article Test; work on review/editing of cast of characters
6/21/2007	CJB	$196.00	1.40	$196.00	1.40	Work on review/editing of Government Discovery notebook summary; work on cast of characters; issues for timeline
6/22/2007	CJB	$462.00	3.30	$462.00	3.30	Work on review/analysis of Government Discovery Notebook summary and updating/editing of cast of characters' review/organize additional client documents
6/25/2007	CJB	$490.00	3.50	$490.00	3.50	work on analysis of Government Discovery Notebook and drafting of cast of characters, issue statements; conferences with Jim Barger re same

6/26/2007	CJB	$680.00	4.20	$588.00	4.20	Review state court docket and download docket, pleadings re Beth Lemley criminal proceedings, review Jim Barger timeline notes and preparation and finking of timeline with annotated caselist, prepare draft report for Jim Barger meeting with Henry Strickland; work on analysis of Government Discovery Notebook re updating of cast of characters, find issue
6/27/2007	CJB	$392.00	2.80	$392.00	2.80	Work on review and analysis of Government Discovery Notebook, Jim Barger notes and preparation of cast of characters, facts statements for timeline
6/28/2007	CJB	$504.00	3.60	$504.00	3.60	Analyze Government Discovery Notebook and preparation, editing of timeline, cast of characters, work on obtaining additional criminal court documents on Beth Lemley proceedings
6/29/2007	CJB	$308.70	2.20	$308.00	2.20	Review of supplemental Government CD production from 5/31 re additional facts, cast of characters, edit timeline; telephone call to Madison County clerk re obtaining pleadings on Beth Lemley criminal proceedings; work on analysis of Government Discovery Notebook re additional information for cast of characters, facts statements for timeline
7/2/2007	CJB	$252.70	1.80	$252.00	1.80	Telephone call to Madison County clerk re attempt to obtain additional criminal records on Beth Lemley proceedings; work on review of Government Production CD from 5/31 and editing of cast of characters, facts statements/timeline
7/9/2007	CJB	$42.10	0.30	$42.00	0.30	Conference with Jim Barger re. trial preparation
7/10/2007	CJB	$84.00	0.60	$84.00	0.60	Several telephone calls to Madison county court clerk re: Beth Lemley records; review docket from Beth Lemley proceedings re: status; review Katy Warren cross-exam;
7/11/2007	CJB	$336.01	2.40	$336.00	2.40	Conference with Jim Barger re: Bassett indictment and exhibits; review Katy Warren cross-exam transcript; review indictment and exhibits issues statement on same; prepare for client meeting; additional conference with Jim Barger re trial preparation
7/11/2007	CJB	$210.07	1.50	$210.00	1.50	Review court docket, pleadings filed; update pleadings files and notes; check status of Katy Warren proceedings; conference with Henry Frahlich; work on review, editing of Government Discovery notebook
7/13/2007	CJB	$350.35	2.50	$350.00	2.50	Review/analyze Government Discovery Notebook documents and prepare letter of documents for Henry Frohlich
7/23/2007	CJB	$182.00	1.30	$182.00	1.30	Review letter dictated; email to Doreen Edelman re: same; work on review of CD Government Production
7/25/2007	CJB	$574.00	4.10	$574.00	4.10	Review of Katy Warren documents and preparation for meeting with Henry Frahlich and Jim Barger re: trial strategy; meeting with Mr. Frahlich and Mr. Barger
7/26/2007	CJB	$448.00	3.20	$448.00	3.20	Review Final Addis Trial Report from Government; work on editing Government Discovery Notebook letter to include details; conference re: Katy Warren issues; coordinate review of Government Discovery CD meeting; work on analysis of Katy Warren interviews for match of contradicting testimony
7/27/2007	CJB	$112.00	0.80	$112.00	0.80	Prepare for 7/30/07 attorney review of Government CD production; work on review/analysis of Katy Warren interviews with government re: discrepancies
7/30/2007	CJB	$672.00	4.80	$672.00	4.80	Meet with Henry Frohlich and Jim Barger to review CD of Government production; work on coordination of facilities for client review; review file re: search warrants issued

7/31/2007	CJB	$308.00	2.20	$308.00	2.20	Review Government CD production; conference with Henry Frohsin re same; telephone call to Alex Luff to re-schedule meeting, review order setting trial
8/1/2007	CJB	$224.00	1.60	$224.00	1.60	Conference with Henry Frohsin, Jim Berger re: strategy; work on coordination for 8/8/07 client meeting, work on review of Government CD production
8/2/2007	CJB	$210.00	1.50	$210.00	1.50	Review court docket; update pleadings files, review Government Discovery Notebook and edit index to include date entries
8/3/2007	CJB	$168.00	1.20	$168.00	1.20	Telephone call with client to confirm 8/8/07 meeting; several emails with Henry Frohsin, Jim Berger re: same; work on additional coordination issues pertaining to 8/8/07 meeting; review/organize additional documents produced by Government
8/6/2007	CJB	$770.00	5.50	$770.00	5.50	Prepare for client meeting to review documents produced by Government; several conferences with client re: review of document production by Government; review additional documents forwarded by Assistant U. S. Attorney David Estes; preparation for next day of client document review; review notes prepared by client re: document review
8/7/2007	CJB	$868.00	4.90	$868.00	4.90	Preparation for client document review of CD Government production, several conferences with client re: Government document review issues, specific documents located for strategy; accurint research on Joseph Ferranta, work on editing cast of characters; coordinate preparation of word index for Government Discovery Notebook
8/8/2007	CJB	$952.00	6.80	$952.00	6.80	Conference with Henry Frohsin re: witness interviews for 8/9/07, telephone call with Dag Rowe's office re: same, Accurint research re: William Marquis, further discussions with Henry Frohsin re materials needed for 8/9/07 witness interviews, review/analyze Government Discovery Notebook, client documents and prepare memo to Henry Frohsin with summary of witness information and bullet points of items to cover with potential witnesses for use at interviews; review documents and completion/preparation of documents for use at witness interviews; work on index of key names for Government Discovery Notebook; edit cast of characters, edit fact statements on summary document; email to Joseph Ferranta re: information for 8/9/07 witness interview
8/9/2007	CJB	$336.00	2.40	$336.00	2.40	Work on word index for Government Discovery Notebook, review production and forward additional documents to Jim Berger and Henry Frohsin for witness interviews; edit cast of characters; work on review/labeling key documents
8/10/2007	CJB	$308.00	2.20	$308.00	2.20	Work on review/organization/labeling of key documents; work on index of key terms for Government Discovery Notebook, check status of Kary Warren criminal proceedings
8/13/2007	CJB	$238.00	1.70	$238.00	1.70	Work on index of key terms from Government Discovery Notebook; work on review/compilation of documents for witness folders
8/14/2007	CJB	$364.00	2.60	$364.00	2.60	Review client notes from document review; review Beth Lemay docket on criminal proceedings, download documents from same to witness folders, edit cast of characters, facts statements on summary document; prepare witness folio for Chandler, Lemay, Marquis, Warren, Ferranta
8/16/2007	CJB	$70.00	0.50	$70.00	0.50	Review documents and supplement witness folders for Lemay, Warren; work on index of key terms for Government Discovery Notebook
8/17/2007	CJB	$42.00	0.30	$42.00	0.30	Conference with client to review documentation concerning shock absorber contract issues

8/29/2007	CJB	$308.00	2.20	$308.00	2.20	Work on index of key terms for Government Discovery Holocaust conference with Henry Fortuin; Jim Berger re. exhibit, trial issues, edit cast of characters; email to client with index of key terms
						Edit interview of Jerry Gallegly; edit interview of Joe Ferreiro; review letter from Hacker; 0930 meet/confer to client's timeline concerning shock absorber contract; work on reviewing/copying of backup documentation concerning shock absorber contract and cross-reference same with client timeline
8/31/2007	CJB	$406.00	2.30	$406.00	2.30	Work on updating fact, issues statements, cast of characters with information learned by client re. shock absorber contract issues; review upcoming holidays re. same; review/organize additional documents
9/31/2007	CJB	$126.20	0.90	$126.00	0.90	work on review/analysis of documents provided by client; timeline from client re. development of fact issues and notation into timeline for case summary (shock absorber contract); supplement for case summary; review documents and supplement Jim Berger working binder; discussion with Jim Berger re. trial preparation
9/4/2007	CJB	$546.00	3.90	$546.00	3.90	
9/5/2007	CJB	$616.00	4.40	$616.00	4.40	Work on review/analysis of documents provided by client, timeline from client re. development of fact issues and notation into timeline for case summary (shock absorber contract); supplement Henry Fortuin working binder with additional information/work on Kary Warren interview analysis
9/6/2007	CJB	$364.00	2.60	$364.00	2.60	Trial preparation including organization of documents; review opinion from Alabama State Bar re Kary Warren issues
9/7/2007	CJB	$824.00	5.80	$804.00	5.80	Conference with Jim Berger re: exhibits to include with motion to dismiss; review documents and compilation/preparation of exhibits; telephone calls with Alex and Mitch Ludlum re: original notification for initial weight assembly; internet research to obtain examples of public letter weight assembly invitations; review organization of documents; further telephone conference with Alex Ludlum and Jim Berger re: additional documentation to attach as exhibit to motion to dismiss; review/organization of additional documentation from Alex Ludlum re: same
9/9/2007	CJB	$280.00	2.00	$280.00	2.00	Review docket and pleadings; update pleadings file and index; work on further preparation of exhibits for motion to dismiss; email to Jim Berger re: electronic copy of exhibits for pending motion to seal
9/10/2007	CJB	$1,064.00	7.60	$1,064.00	7.60	Work on supplementing exhibits re: motion to dismiss; assist with finalizing and filing same; meetings with Henry Fortuin, Jim Berger, Angela Garcia re: trial preparation, prepare memorandum of individuals to interview with brief synopsis of role in litigation
9/11/2007	CJB	$1,050.00	7.50	$1,050.00	7.50	Review notes from case strategy meeting and prepare task/assignments list for trial team; account/internet research on additional individuals to interview; discussion with Henry Fortuin re same; edit interview spreadsheet with information obtained from research; Secretary of State; account research to obtain information on Eco-Tungsten Trading Company; review additional information from Joe Ferreiro; conference with Angela Garcia re: trial preparation

9/12/2007	CJB	$828.00	5.90	$828.00	5.90	Conference with Henry Frohsin re telephone interview of Samantha Patterson; work on research to obtain additional contact information for additional witness interviews; several telephone calls with Beth Latifi re assistance with location information on additional individuals to interview; work on organization of documents for witness folders; status meeting with Angela Garcia; work on preparation of sample witness file for trial; edit task/assignments list for trial preparation
9/13/2007	CJB	$644.00	4.60	$644.00	4.60	Review/organize/update pleadings; review/download current docket; edit case of characters; index of key players; trial preparation; review and forward information to Laural Swope re: corporate research on Eco-Tungsten, Cherokee Advanced Systems; work on organization of documents for Jim Barger
9/14/2007	CJB	$938.00	6.70	$938.00	6.70	Edit Index of key players from Government Discovery Notebook; supplement Henry Frohsin's working binder with additional information; review notes from Alex Latifi, Government CD, and download relevant documents marked by Latifi; e-mail to Beth Latifi re: status of gathering contact information for additional interviews; work on review of client documents and completion of same for Rule 16 disclosures; prepare initial list for witness folders; edit task assignment chart for trial preparation; trial preparation
9/16/2007	CJB	$588.00	4.20	$588.00	4.20	Work on review of Government discovery Notebook and work on bullet points for Bodlew, Gabig, Barker; work on additional trial preparation
9/17/2007	CJB	$868.00	6.20	$868.00	6.20	Work on review of documents with Jim Barger re: Rule 16 disclosures; work on review of Government Discovery Notebook and bullet points for Ken Barker; work on preparation of Henry Stickrod trial folder; edit interview spreadsheet; edit task list; work on organization of documents and trial preparation
9/18/2007	CJB	$798.00	5.70	$798.00	5.70	Conference with Jim Barger re: strategy; work on organization of documents for Rule 16 disclosures, review/edit Protective Order acknowledgment document; work on miscellaneous trial preparation
9/19/2007	CJB	$1,008.00	7.20	$1,008.00	7.20	Trial meeting with Henry Frohsin and Jim Barger; attend conference call with Assistant U.S. Attorney David Estes, attend telephone conference with Alex Latifi; work on preparation/organization of documents for Rule 16 disclosures, preparation of documents and supplement Henry Frohsin and Jim Barger working binders, discussion with Angela Garcia re: trial subpoenas, edit index to team working binder; preparation of working documents for Henry Frohsin, Jim Barger, re Tungsten Products, Beth Latifi; work on additional miscellaneous trial preparation issues
9/20/2007	CJB	$476.00	3.40	$476.00	3.40	Finalize trial subpoenas for witnesses Jerry Gabig, Robert Chandler, Joseph Ferranto, Henry Stickrod; work on preparation of service packets for same; meeting with Henry Frohsin and Jim Barger re: trial strategy; preparation of information for Jim Barger meeting with Assistant U.S. Attorney David Estes re: review of seized property from Autori; work on document organization and miscellaneous trial preparation
9/21/2007	CJB	$266.00	1.90	$266.00	1.90	Research Elizabeth Lemley information re: trial subpoena and witness fee tickets, calculate witness fee information for Lemley subpoena; prepare trial subpoena for Lemley; conference with Henry Frohsin re: inspection of seized property; work on issues pertaining to coordination of trial subpoena service

9/13/2007	CJB	$382.10	2.80	$382.00	2.80	Review/organize/update client documents to assist for Rule 16 disclosures and for use at trial
9/24/2007	CJB	$382.10	2.80	$382.00	2.80	Meeting with Henry Frohsin, Jim Berger re: inspection of seized property, government settlement proposal, property memo to Henry Frohsin and Jim Berger regarding settlement points for meeting with client
10/5/2007	CJB	$79.00	0.50	$79.00	0.50	Review/finalize order granting motion to reply to Government's Opposition to Motion to Dismiss, redact/filed/docket; update pleadings files and notice; discussion with Jim Berger re: trial preparation
10/8/2007	CJB	$350.00	2.50	$350.00	2.50	Research on James Hopkins, Harry Steele for trial subpoenas; review Elizabeth Lemley criminal docket for certified documents needed for trial exhibits; work on trial preparation
10/9/2007	CJB	$1,232.01	8.80	$1,232.00	8.80	Several telephone calls with Judd Everman and Wilmer Lee re: Beth Lemley certified copy of classified criminal proceedings pleadings; obtain additional documents for Rule 16 disclosure; meeting with clients re: trial preparation; work on trial preparation
10/10/2007	CJB	$336.00	2.40	$336.00	2.40	Compile/identify/assemble all documents for handwriting expert; work on the subpoena issues for Wilmer, Winfred Jones, Peterson, Mangum, Sessums, Rader, J.B. Smith, e-mail to Judd Everman at Wilmer Lee re: trial subpoena issues
10/11/2007	CJB	$672.00	4.80	$672.00	4.80	Discussion with Henry Frohsin re: handwriting expert; review e-mail from client re: additional information on witnesses; work on trial subpoena issues (10); coordinate with Wilmer Lee on subpoena service; preparation of additional documents for Rule 16 disclosure; prepare correspondence of defendant witnesses with contact information; status of subpoena service; additional trial preparation
10/12/2007	CJB	$630.00	4.50	$630.00	4.50	Work on trial subpoena issues; preparation of additional trial subpoenas; calculations of witness fees for same; preparation of witness orders (21); prepare letter of documents to include in witness packets, trial exhibits; telephone call with investigator re: Marcos Mata; trial preparation
10/14/2007	CJB	$252.00	1.80	$252.00	1.50	Prepare FATR binders for Henry Frohsin re: Uffer weight assembly; check exterior contours; prepare first bullet points for Brenda Middleton; coordinate subpoena service for James Ford
10/15/2007	CJB	$588.00	4.20	$588.00	4.20	Work on folder up concerning outstanding subpoenas; telephone call with Paul Bernet at Tectronix re: subpoena; telephone call with James Ford re: subpoena, on-call status, conferences with Henry Frohsin, Jim Berger re: trial prep; work on trial prep, subpoena issues
10/16/2007	CJB	$784.00	7.10	$784.00	7.10	Trial prep, conferences re: handwriting expert; work on subpoena issues; prep exhibits for motion in limine; file some; conferences with Debbie Cook re: trial exhibits; prep for government deposition
10/17/2007	CJB	$1,498.00	10.70	$1,498.00	10.70	Trial prep, p-file, deposition to motion to compel; emails with client re: witness listings; prep witness folders; account research on witnesses
10/18/2007	CJB	$1,218.00	8.70	$1,218.00	8.70	Telephone call with Dentler; work on subpoena issues; meeting with trial team; preparation of exhibit chart; work on witness coordinator; telephone calls with private investigator; trial preparation

10/19/2007	CJB	$1,568.60	11.40	$1,368.00	11.40	Meeting with clients, trial preparation, work on subpoena follow-up, Debbie Catlin re: demonstrative exhibits
10/20/2007	CJB	$1,260.00	9.00	$1,260.00	9.00	Meet with Henry Frohsin, Jim Barger, trial preparation; prepare new exhibits, supplement Rule 16 discovery; edit exhibit chart; edit Rule 16 chart; supplement witness files
10/21/2007	CJB	$980.00	7.00	$980.00	7.00	Trial preparation, travel to Florence, telephone calls with witnesses, meeting with clients
10/22/2007	CJB	$1,820.00	13.00	$1,820.00	13.00	Trial; prep for next day of trial
10/23/2007	CJB	$1,960.00	14.00	$1,960.00	14.00	Trial; prep for next day of trial; telephone calls to witnesses re: status
10/24/2007	CJB	$1,400.00	10.00	$1,400.00	10.00	Trial; prep for next day of trial
10/25/2007	CJB	$1,120.00	8.00	$1,120.00	8.00	Trial; prep for next day of trial, telephone calls to witnesses re: status
10/26/2007	CJB	$1,540.00	11.00	$1,540.00	11.00	Trial; travel to Birmingham
10/28/2007	CJB	$280.00	2.00	$280.00	2.00	Telephone calls to witnesses re: status; trial preparation; meet with Henry Frohsin and Jim Barger re: same
10/29/2007	CJB	$1,400.00	10.00	$1,400.00	10.00	Trial; telephone calls with witnesses
10/30/2007	CJB	$1,190.00	8.50	$1,190.00	8.50	Meeting with Steve Drexler; meeting with Jerry Cubiq; trial; telephone calls to remaining witnesses re: status
	Total		383.50	$53,690.00		

Amount to be deducted for paralegals	
Paralegal hours in civil + criminal	419.10
Amount charged in civil + criminal	$58,399.68
Reasonable amount (419.1 x $75)	31432.5
Total Deduction ($57,898.08 - 31,857.5)	$26,967.18

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Appendix E

Non-local attorneys

Civil

Date	Initials	Fee billed	Hours	Billed at Birmingham rate	Hours	Description
8/23/2006	RRN	$350.00	0.7	$518.93	0.70	Telephone conference with Mr. Berger (Birmingham) regarding method for making payment to Freiheit in Iran - OFAC license
8/13/2006	RRN	$1,700.00	3.4	$1,700.00	3.40	Review materials and regulations; telephone conference with Alex Ledfi, Henry Frohein and Jim Berger
9/21/2006	RRN	$1,400.00	2.8	$1,400.00	2.80	Review materials; conference calls with Henry Frohelm and Alex Ledfi regarding strategy
10/12/2006	RRN	$600.00	1.2	$600.00	1.20	Telephone conference with Messrs. Frohsen and Berger; review file and develop issues for October 13 telephone conference
10/13/2006	RRN	$250.00	0.5	$250.00	0.50	Telephone conference with Messrs. Frohsen and Ledfi; review notes
11/14/2006	RRN	$1,550.00	3.1	$1,550.00	3.10	Telephone conference with Messrs. Frohsin and Ledfi; draft issue paper with facts and questions for review
11/15/2006	RRN	$1,000.00	2	$1,000.00	2.00	Edit, review and send memo with fact summary and questions to Messrs. Frohsin for Mr. Ledfi
11/26/2006	RRN	$400.00	0.8	$400.00	0.80	Telephone conference with Mr. Frohsin and Mr. Ledfi
8/13/2007	RRN	$157.50	0.3	$157.50	0.30	Telephone conference with Frohsin regarding possible next steps
8/12/2007	RRN	$472.50	0.9	$472.50	0.90	Telephone conference with Mr. Frohsin and Mr. Berger
	Total		15.7	$7,848.93		

Total deduction for non-local attorneys				
Total amount billed for Newcomb				$7,848.93
Birmingham rate for Newcomb ($395 x 15.7)				6201.5
Total deduction				$1,647.46

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Appendix F

Secretarial Hours

Civil Case

6/27/2006	CJB	$81.00	0.6	$72.90	0.50	Review/organize client documents, review PACER docket; update pleadings files
7/7/2006	CJB	$87.60	0.5	$87.50	0.50	review emails from Jim Barger re: release of funds; review PACER docket; update pleadings file and index
11/1/2007	CJB	$70.00	0.5	$70.00	0.50	Review/organize documents from criminal trial re: civil forfeiture issues
11/5/2007	CJB	$98.00	0.7	$98.00	0.70	Review/organize documents from criminal proceedings
	Total		1.6	$308.40		

Criminal Case

5/8/2007	CJB	$70.00	0.50	$70.00	0.50	Review court docket; work on review and organization of documents
5/10/2007	CJB	$56.00	0.40	$56.00	0.40	Work on review and organization of documents
7/24/2007	CJB	$70.00	0.50	$70.00	0.50	Review of pleadings filed, court docket; update criminal pleadings
11/1/2007	CJB	$70.00	0.5	$70.00	0.50	Review/organize documents from criminal trial re: civil forfeiture issues
	Total		1.4	$266.00		

Total deduction for secretarial work	$574.40

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Appendix G

Total Amount Due to Claimants

Total for civil and criminal	414,188.60
Deduction for unbilled hours	8816.42
Deduction for unidentified individuals	314,933.14
Deduction for Carolyn Black	29,967.16
Deduction for non-local attys	1,647.48
Deduction for secretarial hours	874.4
Total amount due to claimants	$363,258.92